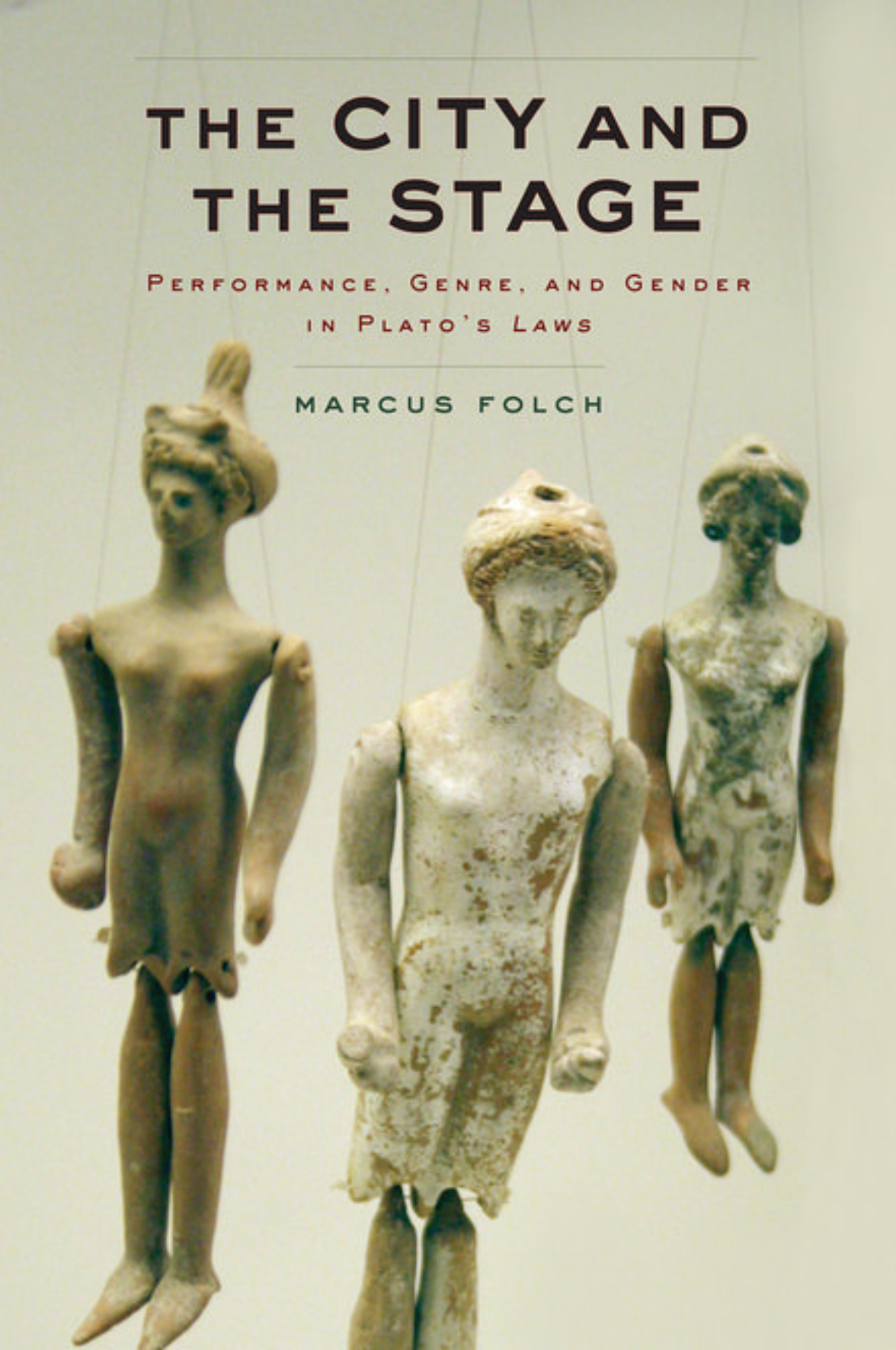
THE CITY AND THE STAGE

Performance, Genre, and Gender in Plato's *Laws*

MARCUS FOLCH



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Introduction

PERFORMANCE AND THE SECOND-BEST CITY

I.1 Introduction

Plato is famous for having participated in and possibly having invented an "ancient quarrel" between poetry and philosophy. Much of his career was spent criticizing Athenian performance culture, exposing the fallacies, incoherencies, and dubious ethical claims implicitly authorized by the ancient poetic tradition; and in the tenth book of the *Republic*, Socrates notoriously proposes to banish mimetic poetry from the ideal city, arguing that poetic representations, particularly of the sort popular in the theater, have no purchase on truth and therefore earn no place in a life of virtue and philosophy. Yet, in his final work, the *Laws*, Plato makes a striking about-face. Like the *Republic*—to which it is often compared and compares itself—the *Laws* advocates the subordination of poetic discourse to philosophical standards of excellence and mimetic correctness. It seeks to explain the origins, psychological underpinnings, pedagogical utility, and social manifestations of poetic experience and musical phenomena, and it addresses the points of continuity between (Athenian) politics and theater. Unlike the *Republic*'s Kallipolis, however, in Magnesia, the city for which the *Laws* provides a law code, every dimension of the citizen's life receives musical inflection, and many of the genres purged from the earlier dialogue become central to a life of virtue. For Plato in the *Laws*, what it means to be a citizen of the ideal city is shaped by and takes place within the performance of poetry, music, song, and dance. The *Laws*, in short, represents Plato's systematic rethinking of the nature of aesthetics and mimetic art, of the part played by poetry, music, song, and dance in

the making of citizens, and of how the individual and collective life of the *polis* is constituted in performance; and it presents the reader a renegotiation of the relationship between poetry and philosophy, in which both are cast as collaborators in the fashioning of an ideal city and a virtuous life.[1] The result is a profound reconceptualization of what performance is and can do in the city and the soul, a rehabilitation of Athenian choral and poetic art, and a vision of a philosophically inspired performance culture in which poetry, music, song, and dance occupy a seminal position in the ideal political community.

That vision, unimaginable in Plato's earlier works, is the subject of this book. Reading the text from an analytical perspective informed by speech act and performance theory, gender studies, and anthropology, the present study situates the *Laws*' approach to music, poetic art, and dance in its philosophical and historical contexts. It interprets the text in relation to its political philosophy and moral psychology, as well as to the ancient literary tradition and fourth-century Athenian culture of which Plato is critical and to which he nevertheless remains indebted. It examines the *Laws*' account of how the performance of music, poetry, song, and dance defines political communities, their borders, internal hierarchies, and social and ethical statuses. It explores the ways that, Plato believes, genres come into being, respond to, and alter the societies from which they emerge; and it argues that for Plato the literary forms that a society produces betray its values and organizing principles, exerting an inexorable influence on individual identity, shared cultural beliefs, and political history. It considers how Plato's views of gender inform his understanding of performance; and it argues that music, poetry, song, and dance become the site in which Plato envisions a comprehensive refashioning of women's ethical, social, and political lives. This book also explores the *Laws*' self-representation as a literary work, both a philosophical text that advances systematic, doctrinal arguments, and simultaneously a hybrid of poetic and rhetorical forms. Although Platonic philosophy is often presumed to be critical of Athenian poetry, this book traces a deep engagement in the *Laws* with Athenian poetic genres both as forms of literature from which Plato invents his own literary genres, and as cultural systems, communal practices that are introduced into the ideal city and made to complement its political institutions and define its values. In Plato's *Laws*, performance becomes the fulcrum in a reconceptualization of the ideal political community, a polity in which aesthetic pleasure is a constitutive element of virtue and citizenship, and in which ethical potential is reached by participating in music, poetry, song, and dance.

Composed and purportedly left unfinished in the mid-350s BCE, the *Laws* has long been the odd man out of the Platonic corpus. Although it is among the longest surviving works of classical Greek philosophy, it remains Plato's least studied and most enigmatic dialogue, its interpretation as fraught and uncertain as its authorship was once thought to be. The *Suda* suggests that Philip of Opus divided the *Laws* into twelve books, supplementing Plato's text with a chapter of his own, the *Epinomis*.[2] As readers of the *Laws* will recognize, those divisions appear inorganic and inconsistent with the dialogue's thematic structures. According to Diogenes Laertius, Philip of Opus "transcribed (μετέγραψεν) Plato's *Laws* which were in wax" (37). The term μετέγραψεν is polysemous and ambiguous, denoting both "copied" and "revised." How much revision and how much invention went into Philip of Opus's transcription remain impossible to ascertain, but the uncertain provenance, likelihood of adulteration, and interpolation led nineteenth-century philologists either to doubt the work's authenticity in its entirety or to attribute inconsistencies (real or imagined) to Philip's lax editorial scruples and inferior cerebral powers.[3] The pendulum of scholarly opinion has since swung in the opposite direction. The task of the interpreter is, as Morrow suggests, "to try to explain any obscurities we may find [in the *Laws*] through a more penetrating understanding of Plato's intentions, rather than by hastily blaming Plato's posthumous editor"[4]—a position that has now become the *communis opinio*; Philip's omissions and revisions are either deemed insignificant or thought to merit little critical attention.

Yet, even with its authorship secured, the *Laws* represents an anomaly—indeed, many anomalies—in Plato's oeuvre. Dramatically set in Crete and led by a nameless Athenian Stranger, it is the only Platonic dialogue from which Socrates is entirely absent and in which Attica forms no part of the backdrop. Just as the *Republic*, the *Laws* imagines the *politeia* of a utopian city, but Plato's final work is differentiated from the earlier dialogue by virtue of its practical and pragmatist approach to political philosophy, as well as by its governing institutions. Magnesia is ruled not by philosopher kings but by a code of laws (hence the dialogue's name), and its constitution is described as "second-best," one that aims to achieve ideal philosophical goals through the unideal instruments of contemporary institutions. The *Laws*, moreover, contains little that may be described as strictly philosophical argument and, with the exception of the theology of Book X, it offers almost no systematic examination of doctrines. Much of the dialogue consists instead of painstaking examinations of fourth-century political and social institutions, a meditation on Mediterranean cultures and on how the fourth-century *polis* might be remade

to form a more ideal society—if, that is, the *Laws* may rightly be called a dialogue; for it is the least dialogic work of Plato's dialogic imagination. The *Laws* presents little of the subtle characterization, dramatic tension, vitality, and verve of Plato's early and middle periods. Long stretches of text are told entirely in the Athenian Stranger's uninterrupted and unfailingly self-assured voice. Even in antiquity, its arid style was notorious. Lucian (*Icar*. 24) declared it as frosty and inhospitable as the abandoned altar of some forgotten god (Zeus). Modern readers have been only slightly more forgiving. Its paucity of genuine conversation and lack of literary panache rarely go unremarked, and few commentators (this one not excepted) have failed to mention the suspicion that the *Laws* is the work of a man well past his creative prime.[5] Syntactically strained, exhaustive (and exhausted) in scope, and often digressive, the *Laws* appears at once obsessively detailed and in need of tidying up. As Shorey suggests, "[i]t has been a commonplace of criticism to contrast [the *Laws*'] prosy preachments and tediously minute prescriptions with the fresh, dramatic charm of the minor dialogues and the large poetic idealism of the *Republic*. . . . The repetitions, the apologies for digressions, the self-checks, and the self-praise have provoked comparisons with the senile maunderings and self–complacency of Isocrates' latest work."[6]

Despite what are perceived as stylistic shortcomings, Plato's "senile maunderings" have nevertheless undergone a recent resurgence of interest, becoming the site of dynamic intellectual debate among scholars working in such diverse fields as ancient intellectual history, literature, philosophy, and performance. Historians of ancient philosophy, particularly of an analytical persuasion, have produced innumerable articles, books, and edited volumes since the turn of the millennium alone, prompting a widespread reappraisal of the *Laws* and (its place in) Plato's late philosophy. According to Benardete's Straussian (and often impenetrable) interpretation, the *Laws* presents a reassessment of the relationship between the "eidetic" and "genetic," that is, between the abstract, metaphysical world of intelligible objects, and the physical, time-bound world in which humans live and interact.[7] A separate strand of scholarly inquiry has revisited the *Laws*' theology, the first systemic argument from antiquity for the existence of the gods, which construes the structure of the universe as essentially just and providential.[8] More contested still are Plato's late psychology, ethics, and politics. According to Bobonich, Plato in the *Laws* rethinks the nature of the soul and the role of knowledge in virtue.[9] The result has profound implications for the history of political philosophy. For, as Bobonich claims, the *Laws* (unlike the *Republic*) appears to admit that non-philosophers are capable of acquiring a genuine appreciation of goodness, living reasonably

virtuous lives, and therefore participating in politics. Bobonich's claims have rekindled the age-old controversy over unitarian and developmentalist readings of Plato, a debate in which the *Laws* has been central since its inception.[10] Most recently, a collection of essays also edited by Bobonich seeks to re-examine the *Laws*' philosophical contributions to and place within the Platonic corpus as a whole.[11]

Interpretations of the *Laws* in its literary, social, and historical contexts have led to equally illuminating discoveries, producing studies that explore a wider range of subjects than can be surveyed here. I limit myself only to works that bear directly on the subject of this volume. Continental scholars, among whom the *Laws* has never suffered neglect, have been eager to plumb the depths of Plato's engagement with fourth-century Athenian culture.[12] Bertrand observes that the intersection of orality and literature in the *Laws* calls into question much of what is assumed to be secure in Plato's view of the written and spoken word, especially in the *Phaedrus*, an intertextual subtext that, as Chapter 1 observes, subtends the *Laws*' treatment of performance as well.[13] Panno dissects the implications of Plato's imagining an ideal political community within the parameters of the Dionysiac, a subject addressed in Chapter 2.[14] In the Anglophone tradition, Morrow's 1960 reading of Plato's Cretan city remains the touchstone in historicist studies of the *Laws*, while Saunders, who for many years remained the most prominent English scholar working on Plato's final dialogue observes in Magnesia a philosophical corrective to ancient penal practice and, more generally, to the contradictions and implicit ethical presuppositions that subtend Athenian democratic ideology.[15] Nightingale has shown that the *Laws* involves an extensive, intertextual engagement with a diverse array of ancient genres—historiography, cosmology, law codes, medical treatises, Egyptian monumental inscription, and oracular utterance—to create the hybrid genres of law and legislative prelude.[16] Moore teases from the text charged, if at times frustratingly ambiguous, concepts of gender, sex in the second-best city, and state intervention in the erotic formation of the citizen—a project complemented by Larivée's study of Plato's covert revision of Cretan pederastic initiation ritual.[17] Recent interest in the *Laws*, much of it stimulated by anthropological studies of archaic poetry, has made great strides in elucidating a text that has been among the most neglected in the Platonic corpus but is now recognized as an original and provocative contribution in the history of ancient poetic theory.[18] A collected volume edited by Peponi on the *Laws*' relationship to archaic and classical culture attests to its importance as the most extensive ancient exploration of the social and civic function of music, poetry, song, and dance—this from the

philosopher who did more than perhaps any other ancient author to challenge the legitimacy and supplant the cultural prestige of poetic discourse.[19]

This is not intended as an exhaustive survey of even the most recent work on the *Laws*. Later chapters engage with and attempt to advance the growing body of secondary literature—which suggests, if nothing else, that Saunders's guide to the bibliography on the *Laws*, updated and reissued by Lisi in 2000, is in need of yet another revision. The point is rather to underscore that, perhaps more than any other Platonic dialogue, the *Laws* bestrides the no-man's-land between the disciplines of philosophy and classics, and it is being canonized within two academic disciplines with distinct intellectual histories, models of proof, and epistemologies of inquiry. In many respects, the *Laws* invites such disciplinary and methodological schism; it contains points of extended philosophical argument in the most technical sense of the term—for example, the cosmology of Book X—and yet it is also a thoroughgoing work of cultural criticism, intelligible only in light of its particular literary and historical contexts. Readers of the *Laws* must therefore shuttle between classics and philosophy, between ancient Greek practice and the philosophical doctrines to which those practices are brought to bear. The questions posed and the methods pursued in this book are those of a classicist, concentrated primarily on the text in its fourth-century intellectual and cultural horizons; I have not aspired to the reconstruction and systematic testing of the coherence of Plato's doctrines. Happily, readers of the *Laws* will now find themselves in an era in which many excellent studies—several cited above—aim to do just that. Nevertheless, my treatment of the *Laws* is informed by a recognition that—particularly given its status as a starting point in discussions of the socializing function of *khoreia* and *mousikê*—the dialogue's treatment of music, poetry, song, and dance must be viewed in light of Plato's unique and philosophically motivated system of beliefs. One of this volume's contributions is to bring into dialogue the work of philosophers and classicists to show that advances in the study of the *Laws* among historians of philosophy may shed light on questions that have been of interest to scholars of classical antiquity and, vice versa, that an awareness of the text's historically and contextually specific projects may go some way in addressing seminal concerns in the history of philosophy.

This book presents a systematic account of the *Laws*' engagement with the poetic tradition, differing from previous treatments in four principal ways. The first is to complement what has been a mainly analytical interest among scholars of ancient philosophy in Plato's aesthetics and his account of mimetic art. Beginning from a historicized reading of the *Laws*, I have sought to

interpret Plato's treatment of aesthetics and mimesis in its cultural and intellectual contexts, and, in particular, as a response to the rise of the so-called New Music, the emergence of a literature of political dissent, and the problematizing of performative discourse that characterizes much fourth-century literature. In this respect, the present study participates in an on-going reappraisal of ancient philosophy in its historical and literary contexts. In the most sweeping terms, recent work on ancient philosophy among classicists has tended to read Plato historically in one of two manners: either by focusing on Plato as a literary author and on his intertextual indebtedness to and adaptation of the poetic tradition (Boys-Stones, Haubold, Morgan, and Nightingale); or by reading Plato against the political realities of Athenian democratic practice (Allen, Monoson, Ober). This book combines the methods of both schools of thought in a reading that is attuned to the philosophical dialogue as a literary genre with distinctly literary ambitions, interprets the *Laws* as a critical commentary on fourth-century political practice, and addresses the very basic need for a comprehensive study of Plato's final statement on poetry, performance, mimetic art, and literary criticism.

The second, which in a certain respect runs counter to the first, is to complement what has been a mainly anthropological interest among classicists in the *Laws* as a record of ancient chorality. My reading treats *mousikê* in Plato's final dialogue as inextricably interwoven within and subordinated to the text's philosophical projects. There is a deep substrate of philosophical argument—a normative conception of the city, citizen, soul, and of their place within a larger metaphysical reality—being worked out in the *Laws*' account of the arts of the Muses; and Plato's claim that music, poetry, song, and dance may play a central role in the aesthetic and ethical formation of the citizen, however intuitive in light of ancient practice, ought also to be read as a gesture of philosophical appropriation, a reworking of ancient poetic and dance practices in the language, moral psychology, and epistemology of Platonic philosophy. Before mining the text as a source for ancient performance culture, we must attempt to make sense of this substrate and how it permeates the *Laws*' treatment of *mousikê* and *khoreia* on its own terms, in relation to Plato's philosophical projects and commitments, and within the utopian city in which those projects and commitments are materialized. Throughout this study I have sought to begin from the *Laws*, to develop emic analytical categories, and to reconstruct Plato's account of performance on its own terms before historicizing and reading the text against the fourth-century literary and cultural contexts. I have done so in the belief that a perspicuous account of what performance means in Plato—especially

in so gargantuan and unwieldy a dialogue as the *Laws*—is in itself a meritorious end, and that our knowledge of ancient performance culture in classical Athens will only benefit from a clearer understanding of those who witnessed and theorized it (however tendentious their interpretations may ultimately prove to have been).

Third, this study takes as its explicit concern the status—political, social, and performative—of figures and voices that have often been marginal and marginalized in the study of ancient philosophy and aesthetics: slaves, non-citizens, women, and the politically peripheral values, identities, and performance genres with which they are associated in ancient literature. I have thus devoted an entire chapter to Plato's "unideal genres"—genres such as comedy, threnody, and tragedy, that are banished from the *Republic* but are reintroduced in the *Laws* to be performed by slaves, metics, and aliens hired from abroad, a startling correspondence of ethical deviance with political liminality. Two chapters, together comprising Part III of this study, are devoted to women's political and legal statuses in the *Laws*, as well as their roles within the performance culture of the ideal city. In the discussion of women and gender, I have found playing philosophical interests against historical awareness especially fruitful, for the *Laws* has long occupied a perplexing position in ancient philosophical thought on gender, appearing as an anomalous assertion of "natural" heterosexuality and a conservative retreat from Plato's otherwise progressive treatments of women. It is generally agreed that women in ancient Greece enjoyed a degree of publicity and civic engagement in performance that was denied to them in institutions of law and politics. But what has not been recognized is that Plato would leverage the extraordinary privileges historically afforded to women in performance to fulfill his philosophically motivated aspirations of radically revising their ethical and social lives; in the Laws, performance can do for women and political philosophy what politics itself cannot.

Finally, this book participates in and advances a debate on the utility of speech act and performance theory—as developed in philosophy of language and modified in gender studies and anthropology—in the study of ancient Greek literature in general and Plato in particular. It argues that the concerns that contemporary theorists have couched in the language of performance theory—the efficacy of performed speech, the socially constructive force of collective ritual, the performative properties of gender and political status—are central in ancient philosophy, as well. Not only are Plato and contemporary theory shown to address many of the same concerns in remarkably analogous terms—albeit relying on distinct philosophical frameworks—this

book also argues that ancient philosophy may contribute to contemporary theory, particularly in the recognition of the psychologically and ethically formative effects of pleasure in musical and poetic art.

In aggregate, this book offers an interpretation of Plato's final dialogue with the arts of the Muses, an exploration of poetry, music, song, and dance called into the service of philosophy, and it seeks to restore a seminal and neglected text to a central position in the history of ancient philosophy and literary criticism. In Plato's engagement with performance in the *Laws*, we discover not only an insightful (if often reactionary) critic and chronicler of the major currents in Athenian culture, but one who posits a connection between the inner movements of the psyche and the mathematical properties of harmonic sound, the circular movements of the chorus, the reasoned order of governance and law, and the providential rationality of the cosmos. In short, the *Laws* gives us one (I believe, fascinating) account of how the institutions of culture may be organized and manifest in the institutions of politics, and of how the internal states of soul resonate with the natural order of the world in which humanity finds itself—an account that remains all the more compelling to the degree that the axes along which Plato reimagines Athenian song and dance and connects *mousikê* to the workings of the state (namely, the psychology of performance, genre, and gender) have remained salient categories within which subsequent writers have analyzed, criticized, and envisioned philosophical (and theatrical) alternatives to the interplay of politics and culture.

The performance of poetry, music, song, and dance is but a single facet of the ancient city that Plato seeks to reimagine in the *Laws*, and it may only be comprehended within the immediate situation of the dialogue, the text's projects as a whole, and the particular ways in which the *Laws* asks to be read and in which it "reads" ancient Greek culture. Appreciation of *mousikê* in the *Laws* must, in other words, begin with understanding the *Laws* itself. The Introduction is therefore intended to orient readers not only with respect to the present study but also to the *Laws*, its city, and cardinal philosophical principles. Section I.2 of this Introduction presents more systematically the book's main arguments; it also situates Plato's approach to poetry, music, song, and dance in the *Laws* in its larger historical and philosophical contexts. Three subsequent sections of this Introduction supply an overarching guide to the *Laws*, Magnesia, the city it proposes, and the principles that subtend its institutions. To those approaching the *Laws* for the first time or wishing to become acquainted with major trends in the secondary literature, it is hoped that the Sections I.3–I.5 will provide an illuminating overview of Plato's final

political treatise, its approach to the making of an ideal city, the larger political vision to which *mousikê* contributes, and the type of hermeneutic that the text invites and rewards.

I.2 An Ancient Quarrel Revisited: Poetry and the Polis*, the City and the Stage*

> When we at present blame or praise the upbringing of different persons, we say that one is 'educated' (πεπαιδευμένον) and another is 'uneducated' (ἀπαίδευτον) sometimes applying the latter characterization to human beings who are very well educated (πεπαιδευμένων) in trade or merchant shipping or some other such thing. So it is appropriate that in our present discussion we do not consider these sorts of training to be education; we mean rather the education from childhood in virtue (πρὸς ἀρετήν), that makes one long after and desire to become a perfect citizen (ἐπιθυμητήν τε καὶ ἐραστὴν τοῦ πολίτην γενέσθαι τέλεον), one who knows how to rule and be ruled with justice (ἄρχειν τε καὶ ἄρχεσθαι ἐπιστάμενον μετὰ δίκης). (1.643d7–e6)[20]
>
> Is it not the case that the uneducated man (ἀπαίδευτος), as far as we are concerned, will be untrained in choral song and dance (ἀχόρευτος), and that it must be affirmed that the man who is educated (πεπαιδευμένον) has been sufficiently trained in choral performance (κεχορευκότα)? (2.653a9–b1)

When Plato argues that education ought to inspire the desire and knowledge to rule and to be ruled with justice, and later that being educated means having been trained in song and dance—when he claims, in short, that preparation for citizenship occurs in choral performance—he invokes a widely shared worldview regarding the reciprocity of poetry and the political community, according to which performance, especially choral performance, plays a formative role in defining the citizen and his place within the *polis*. The origins of this worldview may be traced to archaic Greek society; as Hesiod attests, the reciprocity of the arts of the Muses and the art of politics is among the foundational tropes of epic poetry. Between mortal kings and Zeus's cosmic order stand the goddesses of music, poetry, song, and dance, authorizing the honeyed voices of poets and rulers alike (Hes. *Theog*. 81–97). Such a view is not only characteristic of epic. Sympotic genres, too, affirm, prepare for, and render interpretable social and political statuses, defining aristocratic

and non-aristocratic communities in contradistinction and fostering a sense of elite identity.[21] If it is a view favored by aristocratic poetics, genres, infused with "middling ideology"(e.g., *epinikion*), also situate exceptionally visible members of the aristocracy within an inclusive, demotic public.[22] Paian, a genre that straddles public and private performance scenarios and is associated with convivial gatherings of citizen men, affirms the bonds of male solidarity, presenting and reflecting the enfranchised members of the political community.[23] Even the picaresque *iambos*, which indulges in the transgression of social and political norms, thereby tacitly affirms those norms, offering, for instance, Solon a platform to rationalize policy decisions that mediate mass and elite interests.[24] As Kurke observes, "[i]n a largely oral culture with no institutionalized schools and only minimal state structure and intervention, poetry in performance was a vital way of transmitting to each individual their store of cultural knowledge, the values to be espoused, their proper level of expectations and aspirations, and their social roles."[25]

The identification of civic education with (choral) performance thus has an ancient pedigree, rooted in the culture and institutional structure of archaic aristocratic society. Yet, it is a view that was entirely current in sixth- and fifth-century Athens—as both the question Aeschylus poses to Euripides ("Why ought one to admire a poet?") and Euripides' response ("For our cleverness and correction, because we make humans in cities better," Ar. *Ran*. 1008–1001) attest. As aristocratic performance traditions and elite ideology waned and the structure of the *polis* evolved in the sixth and fifth centuries, the interdependency of poetry and politics persisted and was adapted to the novel political realities and ideological regime of Athenian democracy. The emergence of rule of the masses coincided with the co-optation on the part of the newly empowered demos of festival contexts—most notably, the Theater of Dionysos, the premiere venue for Athenian music, poetry, song, and dance. The principal dramatic and musical festivals—the City Dionysia and Panathenaia—became so central to civic identity that theatrical performance was viewed as a projection of democratic politics.[26] Tragedy and comedy explore issues relevant to Athenian audiences in the language of Athenian rhetoric and oratory.[27] Dramatic and political arenas shared principles of spatial organization; seating in the theater mirrored that of deliberative institutions.[28] The economy of the stage, moreover, reproduced the political economy of the *polis*; performances in the Theater of Dionysos, for instance, were sponsored through state-organized liturgies (*khoregia*), which resembled the funding structure used to finance military campaigns and other civic expenditures.[29] Activities that defined the theater—competition, spectatorship,

liturgical funding, performance, criticism, and public negotiation of civic values—also defined democratic citizenship. As Goldhill's influential formulation of the politics of tragedy suggests, "[t]o be in an audience was not just a thread in the city's social fabric, it was a fundamental political act. To sit as an evaluating, judging spectator was to participate as a political subject."[30] Rights and privileges that demarcated the citizen community in contradistinction to non-citizens, women, and slaves were replayed on stage and in the theater; male citizens alone were permitted to sponsor and perform as choral dancers in the chief dramatic festivals, extending the boundaries between the politically enfranchised and the disenfranchised into the domain of *mousikê*, the arts of the Muses.[31] Beyond the Theater of Dionysos, Athenian demes spent what appear to have been extraordinary sums training upwards of a thousand citizens annually to memorize and perform choral poetry and to participate as dancers in urban and rural festivals. By some estimates, between 17 and 20 percent of the male citizen population would have sung and danced in a state-funded performance during adolescence or adulthood.[32]

Though customarily—and dubiously—regarded as an era of musical decadence, poetic decline, and the depoliticizing of comedy and tragedy, the fourth century also shows extensive political investment in poetic and choral performance.[33] Interest in and expenditure on the staging of comedy and tragedy intensified from the fifth to the fourth century, and in the 350s—the approximate date of the composition of the *Laws*—Athens established the Theoric Fund, an endowment to defray the cost of attending dramatic festivals.[34] The significance of the *khoregia*, which remained a channel for elites to commemorate benefaction on behalf of the *dêmos* throughout the classical period, only began to diminish in the latter third of the fourth century.[35] Despite its association with Middle (i.e., depoliticized) Comedy, the New Music was, if anything, advertised by its practitioners and decried by its critics as a symbol of democratization, a harbinger of pluralism, artistic and political liberty (*eleutheria*), and democratic ideology.[36] In the centuries that witnessed the rise of the New Music, the interdependency of politics and poetic traditions is recognized beyond the theater as well. Orators quoted Homer in the courtroom to prove familiarity with the poet whose works were regarded as representing universal values and to foreground sophisticated interpretive prowess; explicating poetry doubled as proxy demonstrations of the speaker's democratic credentials and ability to decode the intricacies of Athenian history and law.[37]

Although surviving evidence for the interpenetration of poetic and political spheres remains Athenocentric. Plato's assertion of the correspondence of performance and citizenship is not an especially Athenian perspective. Testimonia outside Attica also point to a filiation of the poetic and the political. Sparta, a city whose reputation for legal and musical orderliness deeply appeals to Plato in the *Laws*, named its civic space the *Khoros* and attributed its law code and the regulation of its choral genres to a single mythological legislator—Lycurgus.[38] Even as comedy and tragedy were disseminated beyond democratic Athens to such dissimilar contexts as Macedon, Sicily, and Magna Graecia, poetry continued to be adapted to the political cultures of the ancient *polis*.[39]

In sum, the ancient Greek political landscape appears always to have been represented and interrogated in poetry, with politics articulated in poetic discourse, and the *polis* re-enacted in performance. This historical reality—the interdependency of the city and the stage, and the interpretive role that poetic and dance performance played in preparing for and making sense of political life—forms the background of the *Laws*. When Plato contextualizes civic virtue and citizenship within the framework of choral performance, the gesture reflects an awareness that politics and poetry are interrelated manifestations of a single social construct—the *polis*. Plato acknowledges a phenomenon that pervades ancient Greek societies—the symbiosis of the political life and the aesthetic life of the citizen, the former structured by institutions of governance and law, the latter in practices of performance.

Because it links choral poetry to civic education, the *Laws* has proven to be an invaluable source for commentators seeking to explore how poetry and dance shaped ancient societies. Plato's suggestion that singing and dancing are processes of political integration and acculturation (*paideia*) offers a heuristic by which to examine the sociological functions for which ancient poetry was created and which have otherwise disappeared from the historical record. Readings of the *Laws* have allowed scholars to view poetic texts, which accompanied choral performances, as historical records, artifacts of otherwise ephemeral rites of initiation and education, interpretable within specific historical contexts and in relation to other genres, concrete events, and non-literary artifacts. The watershed moment may be traced to the work of Calame, which brought the methods of cultural anthropology to bear on the interpretation of choral poetry. In the same vein, Lonsdale begins from the *Laws* to construct an anthropological interpretative model with which to analyze the function of dance and ritual play in archaic and classical Greece. There continues unabated a raft of publications that extend the anthropology

of performance into a diverse range of choral and non-choral genres.[40] It has now become customary, almost reflexive, to cite the *Laws* (at times uncritically) as a springboard for historicized discussions of archaic and classical poetry.[41] The reflex is sensible enough; as we observed above, one discovers in the *Laws* the most wide-ranging classical Greek discussion of the civic role of performance, aesthetic experience, mimetic art, and ritual outside the *Republic* and *Poetics*; and Plato touches on such a variety of forms of performance in the *Laws* that it is difficulty to identify a single genre for which it is not an invaluable source—this, from the fourth century, a period of musical innovation and theorization that supplies the critical language in which literary art has been evaluated since antiquity, but from which few complete works of poetry have survived. Yet, we must, I believe, resist the urge to assume that the identity between choral performance and political socialization as it is formulated in the *Laws* is a *reflection* of historical practice—though it represents itself as such. For, while Plato may be among the most thoughtful ancient witnesses to Greek culture, he is no unbiased analyst. Although it may appear intuitive in light of archaic and classical practice, the proposition that choral song and dance serve as preparation for citizenship and virtue is not one that Plato takes for granted or accepts without qualification; in other words, it is not a reflection but an *interpretation* of ancient Greek practice, tailored to the specific argumentative demands of Plato's final dialogue.[42] More precisely, the identity of performance and an education in civic virtue articulates an ideal for which, this book argues, the *Laws* provides the argument and its city, Magnesia, the template. One of Plato's principal programs in the *Laws* is to reimagine ancient performance as an instrument of philosophical education and to supply the theoretical framework—based on Plato's moral psychology—to afford music, poetry, song, and dance a seminal role in the life of the adult citizen within a philosophically planned city.

To appreciate how unusual the position staked out in the *Laws* might have appeared to readers of ancient philosophy, it is helpful to recall that the endorsement of choral poetry and dance as an education in the virtues of citizenship represents a radical departure from Plato's characteristic posture of antagonism toward poetry. For Plato, the correspondence of the political and the poetic posed a lifelong problem, and throughout his philosophical corpus he targets the arts of the Muses precisely because they were perceived and represent themselves as the origins of authoritative political symbols.[43] Ancient poetic traditions, Plato repeatedly argues, express essentially false and debased ethical values, connecting fundamentally mistaken views of the social, moral, and divine cosmos to equally flawed political institutions by which that world

is organized. The final book of the *Republic*, perhaps the clearest statement of all that Plato finds defective in Athenian poetry and poets, invokes an "ancient quarrel" (παλαιὰ . . . διαφορά, *Resp*. 10.607b5) between poetry and philosophy, a quarrel that Plato appears to have invented and which would characterize ancient philosophy's posture toward poetry long after the fourth century.[44] Socrates professes an ingrained love of Homer—so ingrained that, despite the thoroughgoing criticisms he has leveled against poetry and poets, he would nevertheless admit poetic mimesis into the ideal city, but with a single caveat: a defense of poetry must be made not by poets but "lovers of poetry" (φιλοποιηταί) who must prove that "poetry is not only pleasant (ἡδεῖα) but also beneficial (ὠφελίμη) to political communities (πολιτείας) and to human life (τὸν βίον τὸν ἀνθρώπινον)" (*Resp*. 10.607d7–e2). Socrates' attitude may seem divided between a love of poetry and what he regards as truth, but no apology for poetry is offered in the *Republic*, and Socrates is skeptical that any such defense could even be made (*Resp*. 10.607e–608b). The second and third books of the *Republic*, of course, envisage a limited role for mimetic poetry as propaedeutic training of the emotions, and Plato allows for the possibility that Guardians might sing the sparest hymns and encomia (*Resp.* 10.607a).[45] Beyond that, however, mimetic poetry is not only useless but also deleterious; its misprisions of reality and ineluctable appeal to the passions strengthen the lower parts of the soul and hobble the rational.

Plato's antagonistic assessment of mimetic poetry, so inimical to contemporary sensibilities, has often been dismissed as a reactionary, aristocratic repudiation of democratic Athens and its unplanned, nominally "open society."[46] But elite rejection of Athenian popular culture is not the sole motive for the banishment of poetry from the ideal city. One important dimension of the hostility toward Homer and the whole tribe of mimetic poets in the *Republic* may also be attributed to Plato's making room for the genre of *philosophia*. The quarrel between poetry and philosophy, as Nightingale has shown, is simultaneously an intertextual struggle for literary primacy, one that involves both rivalry and appropriation of poetry's defining generic characteristics.[47] Another equally important dimension of Plato's opposition to poetic mimesis emerges from an interlacing of philosophical arguments, in which aesthetics, psychology, and metaphysics are deployed to condemn poetry as an instrument of thought and communication. In the *Republic* Plato argues that there is an inherent deficiency in mimetic media, which, by virtue of their ontological status as derivative representations of action, are intrinsically fraught, subjective, and distanced from the truth—in contrast to rational, philosophical contemplation, which facilitates immediate (albeit arduous) theorization of

the Forms. Where poetry and philosophy lay claim to the same dimensions of life and ethics, *philosophia* designates the sole medium capable of providing access to truth. What Book X of the *Republic* makes clear is that poetry and, more significantly, the rich, dynamic performance culture characteristic of ancient Greek societies play no substantive role in the life of the adult citizen as envisaged in the ideal city.

The *Republic* is not Plato's only word on the troubled relationship between poetry and philosophy. Intimations of a quarrel appear as early as Socrates' vain search for wisdom and divine insight among politicians and poets in the *Apology* (20b–22c) and *Ion*. Poetry persists as a source of anxiety throughout Plato's oeuvre, often in association with another authoritative verbal art, oratory.[48] What the *Republic* provides is the metaphysical, aesthetic, and psychological underpinnings to flesh out concerns that appear throughout the earlier corpus. Plato, in other words, has good philosophical reasons for rejecting mimetic art in the life of virtue.

Nor is the *Republic* Plato's last statement against mimesis. A passage from Book VII of the *Laws* also recalls the ancient quarrel, envisioning a dialogue between ideal legislators and tragic poets seeking to visit Magnesia. To the tragedians' request the Athenian Stranger responds:

> "Most excellent of strangers," we should say, "we ourselves are poets (ποιηταί), who have to the best of our ability created the most beautiful and noble tragedy (τραγῳδίας . . . καλλίστης ἅμα καὶ ἀρίστης); our whole constitution (πολιτεία) is constructed as the imitation (μίμησις) of the most beautiful and best life, which we at least assert to be in reality the truest tragedy (τραγῳδίαν τὴν ἀληθεστάτην). Now you are poets, and we too are poets of the same thing; we are rival artists and performers of the most beautiful drama, which true law (νόμος ἀληθής) alone can by nature bring to perfection—such is our hope." (7.817b1–c1)

Subsequent chapters discuss this passage in detail, but here it must be observed that the *Laws* bears all of the signs of the *Republic*'s ancient quarrel: ethical condemnation, stylistic appropriation, the problematizing of mimetic art, and a struggle for literary primacy. By contesting poetry's privileged status in the *polis* and positing philosophically informed law and discourse on legislation as an inspired alternative to tragedy's so-called serious Muse, Plato reasserts the *Republic*'s decidedly rejectionist critique of Athenian poetic genres. Indeed, in what must have been among the final lines Plato ever wrote, the closing pages of the *Laws* appear explicitly to allude to the ancient quarrel between

poetry and philosophy, recurring to a language remarkably reminiscent of the *Republic*'s; both texts cite an unknown poem in which philosophers are pilloried as dogs howling in vain (12.967c–d; cf. *Resp.* 10.607b).

The sentiments expressed in 7.817b–c and 12.967c–d have led most commentators to conclude that the *Republic*'s ancient quarrel defines Plato's stance toward mimetic art throughout the *Laws* as well.[49] Yet, as we have observed, the *Laws* also argues that the perfectly educated citizen is one who knows how to sing and dance in a chorus—a claim made all the more puzzling in light of tragedy's privileged position as the archetypal choral genre in fourth-century Athens. How, then, are we to make sense of a text that strives against the most preeminent Athenian choral genre and portrays itself as participating in an ancient quarrel against poetry, and yet construes choral education as instrumental in the making of an ideal city? To complicate matters, Plato's optimistic reassessment of the poetic tradition in the *Laws* does not end with the endorsement of choral performance. In Magnesia's official musical repertoire, I count: songs and choral dance (*melê* and *khoreia*, 2.664a–c); odes and epodes (2.659d–e); paian (2.664c); mythological narrative and inspired utterance (2.664d); sympotic song and recitation (2.666e); epic and rhapsodic, kitharodic, auletic, and choral competitions, the latter with and without vocal accompaniment (6.764d–e); prenuptial dance and epigamic performance (6.771d–772e); ritual lament (7.800b–e; 12.960a); hymns and encomia (7.801d–e); irenic and pyrrhic gymnastic dances (7.814d–815a); military processional dances and epinician (8.829b–e); commemorative and funerary songs, dances, and processional performances (12.947b–e); and elegiac dedicatory inscription (12.958e). Song and dance forms (*skhêmata*) are engraved on temple walls, ensuring that the city's genres remain immutable (2.656d), but Plato also envisages the production of new works imported from abroad, as well as compositions by the city's poets—elders awarded "freedom of speech in music" (παρρησίαν ἐν μούσαις, 8.829d6) and granted license to parody fellow citizens (11.935e–936b). Comedy, a genre alien in its ethos and origin, teaches citizens virtue through controlled exposure to vice (7.816e–817c). Even tragedy, though treated with distrust and antipathy, is not altogether expunged; after claiming that legislators and tragic poets are rival artists, the Athenian Stranger agrees to grant a chorus to the tragedian who demonstrates that his work accords with the law code (7.817c–d). Plato's criticisms suggest that none will, but the possibility is guardedly conceded. As we discuss in Chapter 2, literary criticism in the symposium and pronouncements of judgment in the theater are also refashioned as performances of philosophy and integrated within the workings of the state. Plato, moreover, undertakes

the invention of a new generic art form, the prelude (*prooimion*), a composite of conventional poetic and rhetorical elements (4.721e–724b). Youth sing and dance in a Chorus of the Muses, men in a Chorus of Apollo, and elders in a Chorus of Dionysos, while seniors no longer able to perform recite inspired stories and myths (2.664c–e). During visits to temples, girls and boys aged three to six prepare for years of public song and dance by playing "the sorts of games (παιδιαί) children of their age naturally (αὐτοφυεῖς) invent" (7.794a2–4). Terminology for 'games' (παιδιαί) in the *Laws* often refers to songs and dances.[50] To oversee Magnesia's complex culture of performance, Plato crafts regulatory and educative institutions, political bodies assigned the responsibility of evaluating and circulating poetry in conformity with the law code. These include the Chorus of Dionysos (mentioned above), "legislators of music," the city's Law Wardens, and a Director of Education who, as Magnesia's highest-ranking elected official, supervises the city's cultural and educational practices.[51] Magnesia's canon, moreover, admits of a striking level of artistic innovation and variation. Several genres are inconceivable without some form of adaptation. How does one commemorate the death of political leaders with hymns and encomia—as the *Laws* requires (12.947b–e)—without tailoring the performance to the deceased? Choral and melic genres—though consecrated on temple walls—will "constantly be changed and offer variation in all ways" (ἀεὶ μεταβαλλόμενα καὶ πάντως παρεχόμενα ποικιλίαν, 2.665c5–6). Genres that deviate from the city's traditional songs and dances also admit innovation—comedy, for instance, must exhibit "some sort of novelty" (καινὸν δὲ ἀεί τι, 7.816e9). Notably missing from this list, however, is any suggestion that dithyramb, recognized as one of Athens' original, aristocratic genres at 3.700b, is to be performed in Plato's ideal city; and the singing of law, for which there is ample (if late and often dubious) evidence in archaic and classical Greece, is also curiously absent.[52]

Far from banishing mimetic poetry, Plato envisions performance in Magnesia as a diverse system of genres and civic institutions, at once innovative and philosophically anchored, seeking not to divest the city of, but to absorb, contemporary forms of poetry. If the *Laws*' approach to *mousikê* recalls the ancient quarrel between philosophy and poetry, Magnesia's canon nevertheless comprises a greater variety of vocal and choral genres than does the *Republic*'s, and its central performative institution—a Chorus of Dionysos—would have been impermissible in the earlier dialogue. Where the *Republic* leaves off in skepticism regarding the utility of poetry beyond elementary education, the *Laws* recognizes within contemporary forms of poetry the material from which to fashion an ideal society. At the very least, the prominence given to poetry,

music, song, and dance in Magnesia in education and throughout the life of its citizens suggests that the *Laws* supplies the argument, desiderated in the *Republic*, that mimetic art can be made not only pleasant but also beneficial to the citizen and city.

Plato's remaking of ancient Greek *mousikê* in the *Laws*—his recasting of poetry, music, song, and dance as contexts in which philosophical virtue is instantiated and in which one becomes a citizen of an ideal city—is the central concern of this volume. The principal axes along which, I argue, Plato rethinks poetry, music, song, and dance and the central foci in the *Laws*' rehabilitation of ancient Greek *mousikê* are the following: First, the psyche—the *Laws* presents a novel conceptualization of the structure and motivational principles of the soul, one in which pleasure is an indispensable component of virtue; and as Chapter 1 argues, Plato's reassessment of music, poetry, song, and dance is an outgrowth of his new approach to moral psychology. Complete virtue, Plato insists in the *Laws*, must be a sensual, hedonic, aesthetic experience, in which reason and the passions together endorse the same actions and decisions. Moreover, much of Plato's analysis of contemporary institutions, including Athenian performance culture, represents an elaboration of the *Laws*' account of the soul, an interpretation of contemporary practices within the parameters of Plato's late moral psychology. In performance Plato discovers the instruments whereby the soul and its ethical dispositions are shaped and evolve; by dint of its appeal to the passions and its ability to induce states of pleasure in the soul, *mousikê* (in Athens and Magnesia) habituates and predisposes the psyche to the beliefs and behaviors that characterize citizenship. Plato's account of performance is thus both explanatory and appropriative, offering an interpretation of the soul as it has appeared historically in order to fashion institutions by which citizens may be molded and educated for virtue.

Second, and an extension of the first, is the development of a theory of the performative properties of mimetic art—performative in the sense used by Austin, Searle, and Butler among others. One implication of the claim that choral song and dance are means of educating for virtue and citizenship is that poetic performances create new social facts and new social states.[53] Plato's account of the performative properties of *mousikê* is an application of the *Laws*' novel psychology to mimesis; for what is performed in a poem or dance, Plato argues, is not just a text, script, or orchestral arrangement, but imitations (*mimêseis*) of psychological states. Participants in *mousikê* inhabit and become habituated to the ethical dispositions of which a poem or dance is an imitation. Because mimetic art has performative efficacy—that

is, because it can create new psychological and social states—the individual fashions both him- or herself and the *polis* in poetry, music, song, and dance.

Genre is the third focal point in the *Laws*' revision of Athenian performance culture. The form that art takes is among Plato's central concerns in the *Laws*; it is, as it were, the superstructure of which the psyche and its ethical dispositions are the base; and, Plato believes, a society's system of genres ramifies into and can alter its political practices. In a well-known passage, for instance, Plato attributes the rise of Athenian democracy to the chaotic history of the city's genres (3.700a–d). Genres in the *Laws* are, moreover, deeply ethicized, associated with distinct psychological states, and treated as having theological coordinates, positioning the performer and the city in specific conditions of soul and relationships with the gods. As a result, the shape of a society's mimetic art corresponds to its moral psychology, as well as its political and religious institutions; and the making of an ideal society in which performance plays a central educative and cultural role requires the careful orchestration of the city's artistic forms.

Finally, perhaps the *Laws*' most unique contribution to the history of ancient performance theory is the recognition that poetry, music, song, and dance are gendered and gendering activities. Recall Plato's claim that chorality prepares for citizenship and that citizenship is a state of erotic desire (ἐπιθυμητήν τε καὶ ἐραστήν). By implication, choral performance not only educates for political activity, it also produces a specific type of erotic subject, an *erastês*. This is but one instance among many in the *Laws* in which performance and citizenship are shown to be interconnected with notions of gender and to play a constitutive role in normalizing sexual identity and behavior. The interrelationship of gender and performance must be read in light of ancient theories of sexuality and gender in the *Laws* and elsewhere, as well as in response to Athenian practices of projecting gendered norms within contexts of performance.

The psychological and performative properties of *mousikê* are the subject of the first two chapters of this volume, which together form Part I on performance and supply the theoretical framework for the remainder of the volume. Chapter 1 ("Marionettes of the Soul: Performance and the Psychology of *Mousikê* in Plato's *Laws*") examines Plato's theory of performance and performativity, a theory that maps aesthetic experience onto an account of the soul and its formation in *mousikê*. Chapter 1 situations Plato's account of *mousikê* in relation to contemporary speech act theory, philosophy of language, and anthropology, as well as to the emergence of performance as a site of contestation, political dissent, and philosophical

inquiry in fourth-century Athens. At the center of the chapter is a close reading of the *Laws*' analogy of the soul to a marvelous puppet, drawn by pleasure, pain, affection, fear, and the golden cord of calculation. If the power of performance on the soul and city is presented as the grounds for banishing mimetic art in the *Republic*, in the *Laws* it is shown to be the motivation for the retention and integration of performance in the workings of the ideal state. For, if the arts of the Muses may be brought into the service of philosophy and mimetic poetry refashioned as a mechanism of philosophical education, singing and dancing might be remade as rehearsals for citizenship within an ideal city. Chapter 1 concludes with a discussion of the technologies and mechanisms of control, including 'Egyptian' inscription and consecration of songs and dance forms, by which Plato proposes to institutionalize performance and render poetry both pleasurable and beneficial—precisely because it is pleasurable—in the life of the citizen and the city.

The principal focus of Chapter 2 ("The Chorus and the Critic: Literary Criticism, Theatrocracy, and the Performance of Philosophy") is what Plato regards as the authoritative model of public, performative discourse: literary criticism. The chapter begins with a cautionary tale of poetry and literary criticism gone awry—Plato's account of the rise of democracy from Athenian *theatrokratia* (lit. 'rule of the spectator')—before analyzing Plato's corrective to Athenian critical models, the Chorus of Dionysos. At the center of the *Laws*' engagement with practices of poetic judgment is a refashioning of literary criticism as a performance of philosophy, wedding the performative dimensions of literary judgment to a philosophical analysis of texts according to criteria of mimetic correctness. The standard of criticism that emerges is not a rupture from archaic and Athenian practice, but a hybrid model of literary evaluation, at once theoretical and performative, in which philosophical knowledge of mimetic art is produced in the symposium and performed in the theater.

The first of two chapters in Part II on genre, Chapter 3 ("Laws' Genres: Hymns, Encomia, and the Remaking of Lament") focuses on the poetic forms that Plato regards as amenable to an ideal political community. While it has often been assumed that Plato's ideal poetic forms are meant to be artless and impoverished, this chapter argues that hymns and encomia appear as the most versatile poetic forms, capable of being tailored to and communicating within diverse performance scenarios. Chapter 3 also reveals a flexible notion of genre and a nuanced approach to the defining criteria of literary typology. For Plato, genre embraces form and content, but also psychological

dispositions, scenarios of performance, and relationships among performers, poets, and audiences.

Chapter 4 ("Unideal Genres and the Ideal City: Comedy, Threnody, Tragedy, and the Limits of the City Dancing") examines Plato's treatment of genres singled out as especially problematic and inimical to the establishment of an ideal political community. Although Plato proposes to banish mimetic poetry in the *Republic*, Chapter 4 argues that artistic forms most programmatically dissonant with Platonic philosophy become central to the performance culture envisioned in the *Laws*. It also argues that a politics of spectatorship subtends the *Laws*' treatment of genres that conflict with city's ethical values, in which performance is assigned to slaves, non-citizens, and aliens hired from abroad—those who are excluded from the political relevant class—while the act of spectatorship defines the citizen community. Comedy and threnody are especially prominent in this respect, projecting the city's ethical and political boundaries as spectatorial boundaries, in which the citizen acquires knowledge and is made virtuous by gazing on debased performances by the disenfranchised community, whereas tragedy remains central to philosophy's generic self-representation, and bacchic genres mark the limits of the text's and the city's artistic horizons, forming a class of mimetic performances that defy definitive meaning and cannot be made sense of or institutionalized within the ideal city.

Part III concerns performance in the construction of gender, with particular emphasis on Plato's approach to the role that music plays in the lives of citizen women. Chapter 5 ("Women's Statuses in Plato's *Laws*: Nature, Gender, Law, and the Performance of Citizenship") surveys Plato's programmatic views of gender, sexuality, and the ethical and political status of women, proposing a model of gender in the *Laws* that is at once natural and performative, and offering the conceptual backdrop for the next chapter. Chapter 6 ("Engendering Harmony: Women's Songs in Plato's *Laws*") considers how Plato's views of gender are reshaped and realized in Magnesia's treatment of women's performances. It argues that performance becomes the site in which Plato envisions a programmatic expansion and refashioning of women's membership within the *polis*. The *Laws*, it suggests, displaces the *Republic*'s radical proposals regarding the status of women within the field of *mousikê*; what the *Republic* would achieve in politics through the elimination of private property and the family, the *Laws* aims to accomplish by integrating women within the city's institutions of poetry, music, song, and dance. Although the *Laws* is often regarded as a regressive and conservative reassertion of the private, patriarchic *oikos* and a recursion to traditional institutions of government

with their de facto marginalization of women, women's performances as imagined in Magnesia are shown to offer a corrective to the Athenian custom of silencing women's voices in civic contexts, as part of a project to reimagine women's ethical, social, and political lives.

Finally, an Epilogue ("Plato's Last Song: A Postlude on Law and the Preludes") takes as its starting point one of the fundamental metaphors in the *Laws*—*nomos* as law, tradition, and culture, but also as the nome, a musical genre, and in the plural the title of the dialogue (*Nomoi*). Tying together the book's many strands, it considers Plato's engagement with poetry as a reservoir of formal conventions from which to craft the genres of philosophical dialogue, law, and prelude (*prooimion*) to the laws, genres that rely upon, exploit, and inscribe within philosophical discourse and the law code the defining tropes of the poetic tradition.

The following sections of this chapter, which are intended as a guide to reading the *Laws*, provide orientation with respect to its ideal city and the political principles that subtend the governing structures for which *mousikê* is called into service; the text's self-reflexive relationship to earlier works in the Platonic corpus, and thus the interpretive hermeneutic that it sets up for itself; and its equally self-reflexive commentary on its approach to evaluating ancient practices and institutions, including performance.

I.3 The Laws*, Its City, and Its Scope*

The dialogue is set in the Cretan countryside, as the interlocutors—a Cretan named Kleinias, Spartan Megillos, and a nameless Athenian Stranger, whom interpreters often assume speaks on Plato's behalf—undertake a sacred pilgrimage from Knossos to a nearby cave sanctuary, the birthplace of Zeus and location in which the father of gods and men established justice through his sons, Minos and Rhadamanthus.[54] The backdrop is significant not only for its mythological associations, but also for Crete's reputation for *eunomia* ('good order' or 'loyalty to law') and its status as the origin of Doric institutions, greatly admired by the fourth-century Athenian intelligentsia. The conversation divides (at times uncomfortably) into two sections, each with distinct yet complementary projects, the first spanning the opening three books and ranging over moral psychology, education, customs of commensality and conviviality, choral performance, and constitutional history, the second coming into focus only at the end of Book III when it is revealed that Kleinias is soon to lead an *apoikia* to found a colony.[55] The interlocutors

then redirect the conversation, concentrating on principles of legislation and the civic and political institutions for the new colony. The moral psychology, educative and cultural practices, and constitutional history of the first three books provide the philosophical bases for the legal theory and political and economic institutions that occupy the bulk of the second section of the *Laws*. Inversely, the theology of Book X situates the psychological, historical, and ethical concerns of the first three books, as well as the detailed treatment of Magnesia's political institutions, within a larger cosmological framework. In this respect, the *Laws* is remarkably unified and complete, despite occasional appearances to the contrary.

Magnesia is envisioned as a colony on moderately fertile, mountainous terrain some nine miles from the southern coast of Crete, a location that the interlocutors hope will yield physical and moral resiliency (4.704a–707d).[56] Close enough to the sea to facilitate importation of necessities but sufficiently distant to prevent its becoming a naval power, the city discourages participation in commerce. In the *Republic*'s Kallipolis, the first generation of citizens has been raised in the ideal city from age ten; they and their descendants are thereby rendered ignorant of and immune to the influence of contemporary Greek culture (*Resp*. 6.501a, 7.540d–541b). By contrast, the settlers of Magnesia are adults drawn from the Greek-speaking Mediterranean, mostly of Doric extraction (4.707e–708d). The citizen inhabitants, exactly 5,040 families, possess property that is both inalienable and proportionately productive, if not equal in size (5.737e–738a). The number of households, a product of robust calculation, is chosen to facilitate the division of the population into twelve tribes and demes, as well as a number of military and religious units; and if the population should exceed this limit, the surplus is subject to forced emigration.[57] Four property-class divisions transect the basic familial and tribal categories, arising not from the allotment of land—since, as we have observed, each family farm should be proportionally productive—but from the wealth with which each colonist arrives. The state expropriates private property valued at more than four times the initial allotment, a stipulation intended to minimize distinctions of economic and social status (5.744b–745b). Citizens are to be farmers, forbidden from participating in manufacture or trade.[58] The latter are the purview of slaves and legal aliens (metics) who may reside in the city for no more than twenty years. The amount of agrarian labor expected of each citizen remains a point of scholarly contention, but Plato's chief aim is to allow leisure to pursue activities conducive to virtue.

Life as a *politês* in Magnesia begins at age three, when children meet in temple precincts to play under the supervision of elected officials. At six, children enter a system of musical and gymnastic education with which they will be occupied until entering military service (for men) or reaching reproductive age (for women, 7.793e–794d). Men join the military at eighteen, marry between ages thirty and thirty-five, and are qualified for elected office at thirty. Women, who must also live public lives (for which, see Chapter 5), enter military service once they have exceeded childbearing years (roughly 20–30) and become eligible for political office at forty. The distinction between public and private is ultimately a loose one; traditional domains of private life, including marriage, procreation, and the rearing of children, are directly subject to legislation and influenced indirectly by the lawmaker's sayings (*phêmê*).

As an exchange at the opening of the dialogue exhibits in dramatic fashion, Magnesia's political institutions are designed to eliminate faction and foster unanimity within the citizen community. Kleinias claims that Crete's legendary legislators established Doric political institutions, gymnastic customs, and rituals of commensality to assure victory in battle (1.625c–626b). The implication, he argues, is that peace is a charade, all cities and men are engaged in a perpetual state of war, and the ideal lawmaker legislates with a view to conflict. The Athenian Stranger responds by subjecting Kleinias to elenctic refutation and comparing cities at war to political factions and to brothers at odds within a single family (1.628c–628a). Suppose, the Athenian Stranger suggests, that the sons appeal to a body of judges to arbitrate their conflict:

> Athenian. Which [of the judges] would be the better: the one who destroyed the wicked (χρηστούς) among them and set the better (βελτίους) to ruling themselves, or the one who made the worthy men rule and allowed the worse to live while making them willing to be ruled? But I suppose we should also mention the judge who is third in respect to virtue—if there should ever be such a judge—one capable of taking over a single divided family and destroying no one, but rather reconciling them by laying down laws for them for the rest of time and thus securing their friendship (φίλους) for one another.
>
> Kleinias. Such a judge and lawgiver would be better by far. (1.627d11–628a5)

In its immediate context, the analogy of the warring brothers shows up the conceptual incoherence in Kleinias's claim that Doric institutions are designed

for war, but it may also be read as an indirect allegorical commentary—suffused with distinctly Theognidean resonances—on competing political ideologies. Cities in which elites ('the good') eliminate or subjugate and rule over non-elites ('the wicked') without the latter's consent are implicated as states of fratricidal civil war (*stasis*, 1.628b, cf. 1.627a–629e). It is not explicit which *poleis* are characterized by *stasis*, but one may infer that the unspoken target of criticism embraces Doric aristocracies, the militaristic ideology associated with Laconizing Athenian elites, and the political aspirations of oligarchic sympathizers. Equally dissatisfying is the second judge, who enables elites to rule with the consent of non-elites but leaves the masses to live ethically debased lives; consent of the governed in other words, is a necessary but not sufficient condition for creating an ideal political community. For our purposes, it is most important that the analogy of the warring brothers also has metatextual relevance; the third judge, who reconciles the factious brothers, is representative of the model of legislation Plato envisions in the *Laws*. The canny reader will recognize that the Athenian Stranger's position recalls Socrates' insistence that rulers must rule not for their own advantage but for those over whom they have authority (*Resp*. 1.341e–342e). But the political order that the *Laws* proposes departs from the *Republic*'s philosophical monarchy by granting that both philosophers and non-philosophers may pursue the same ends (namely, virtue) and may therefore participate in government (more on which below). The ideal political community of the *Laws* cannot be one in which the minority governs an unwilling majority or in which the majority is allowed to become corrupted so long as it obeys and does not interfere with a virtuous minority. Rather, the *Laws* seeks to fashion a city in which the ruled both consent to the hierarchical distribution of power under which they are subordinated and endorse the ethical principles by which their lives are governed.[59] The ruling class must govern for the benefit of the ruled, the bonds of kinship and friendship must bind both classes, and the purpose of the state must be the moral betterment of all its citizens, irrespective of class.

The principle for the distribution of power that Magnesia seeks to implement is that is of allotting authority according to education, knowledge, and proven ability to cultivate virtue in oneself and others, a principle Plato refers to as τὸ πολιτικὸν . . . τὸ δίκαιον (6.757c6–7), "political justice" or "the justice that is appropriate to the *polis*."[60] As Bobonich argues, for Plato in the *Laws* a "distribution of political offices to persons is just if and only if it distributes offices to persons in direct proportion to each person's virtue."[61] Political hierarchy is therefore defined according to individual capacity to pursue virtue in oneself and others. Musical and gymnastic

education, which includes choral performance, provides a basic ethical training to ensure that the citizens know how to rule and be ruled justly. But a more advanced philosophical knowledge of the soul, the divine intelligence that governs the cosmos, and the ability to apply this knowledge to the self, to the arts, and to social relations are prerequisites for holding the highest positions of political authority. The result is a bimodal social and political hierarchy in which the entirety of the citizen population attains the basic level of knowledge and virtue to participate in some form of ruling and being ruled, while the highest civic offices are reserved for exceptionally wise and virtuous leaders. As the Athenian Stranger argues, "he who is incapable of acquiring these attributions [i.e., philosophical wisdom] in addition to popular virtues (ταῖς δημοσίαις ἀρεταῖς) would almost never become an adequate ruler (ἄρχων) of the city as a whole, but would be an assistant (ὑπηρέτης) to the other rulers (ἄρχουσιν)" (12.968a2–4). Such philosophical training and the virtues it entails are the special domain of exceptional citizens—for instance, members of the Chorus of Dionysos and the Nocturnal Council (*nukterinos sullogos*). The *Laws* thus follows the *Republic* in distributing political authority according virtue and knowledge, but it departs from the earlier work insofar as it suggests that even non-philosophers may have a share of popular virtues, which enables them to participate in self-governance.[62]

The practical application of the theory of "political justice" is a "mixed constitution"—"a mean between a monarchic and a democratic constitution" (μέσον . . . μοναρχικῆς καὶ δημοκρατικῆς πολιτείας, 6.756e9–10; cf. 3.691b–693c).[63] Several of Magnesia's institutions appear to be modeled on those of democratic Athens: an assembly open to all citizens who have borne arms (possibly including women), a council of 90 members from each property class, popular courts with jurisdiction over public and private cases, and officials elected by sortition to oversee markets, religious affairs, the educational system, the military, and local municipalities. Yet, the principles that determine which institutions have the greatest say in political decisions are anything but democratic. Although citizens participate in the Assembly, only the few who have manifested an exceptional capacity to live virtuously and in accordance with the law code are eligible for the highest political offices. All minor and major officials are subject to review by a board of elected Auditors (*euthunoi*), high priests of Apollo and Helios who have extraordinary supervisory authority.[64] The city is regulated by Law Wardens (*nomophylakes*, lit. 'guardians of law') and a Nocturnal Council—consisting of those who hold the highest offices, ambassadors, and citizens who have been awarded honors

(*aristeiai*)—which convenes in the predawn hours (hence the name) to study the nature of virtue and the best form of law.[65] The Nocturnal Council is flagged as the mechanism by which reason and philosophy are introduced and preserved in the city.[66] The interlocutors insist that the city must be handed over (*paradoteon*) to the Nocturnal Council's supervision, and no limit is set on their powers, a condition that has led some commentators to conclude that the iron law of oligarchy obtains in Plato's final utopian *polis* as well.[67] Others have suggested that the Nocturnal Council's powers are educative and informal, instructing political leaders in philosophy and ensuring that the city is governed by the dictates of reason. In either case, all citizens retain a degree of liberty insofar as they participate in self-governance, but the offices that hold the most extensive executive authority are reserved for individuals distinguished for virtue and knowledge. In this respect, there is a level at which the *Laws*, despite its mixed constitutional form, endorses the *Republic*'s rule of wisdom; for Plato (unlike Aristotle), genuine knowledge is found only among the few and is at odds with the aggregate opinions of the many.[68]

Notwithstanding the agreement between the two dialogues, however, rule of virtue takes a rather different form in Magnesia than it does in the *Republic*'s Kallipolis. Plato in the *Republic* divides the citizen population into three classes—producers, auxiliaries, and guardians—each with unique psychological constitutions, education, contributions to society, specialized skills or arts, and ends.[69] Though nominally citizens, members of each class in the *Republic* live fundamentally different kinds of lives, based on different forms of education, desires, and knowledge. As Annas argues, "[i]n spite of Plato's emphasis on the city's unity [in the *Republic*] there is no common culture. The values of 'the city' are the values of the Guardians, and the producers, whose work supports them, do not share them." [70] Only guardians receive the dialectical training to apprehend the Forms and develop scientific knowledge and appreciation of virtue; they alone govern. In the *Laws*, by contrast, the pursuit of virtue is the common and sole end for every citizen, and all are required to participate in ruling and being ruled.[71] Bonds of *philia* and shared moral and political beliefs unify the citizen community irrespective of status, and, through election and sortition, the community has a say in determining who is to be counted as sufficiently educated and virtuous to hold office.[72] As we have observed, factors that lead to discord such as financial inequality are minimized, and institutions of governance incorporate democratic procedures (cf. 6.754a–755b).[73] One striking example of Plato's curtailment of the influence of class disparities is the elimination of prior

debts. Debt, the Athenian Stranger argues, renders the pace of political reform glacial and makes institutional change impermanent and dependent on the capricious will of the debt-holding class (5.736c–737e). Other paradigms of rapid political change available to fourth-century thinkers, such as tyranny and redistribution of property, are also rejected as conducing to strife between the wealthy and the masses.

Plato has prudential reasons for eliminating sources of inequality and faction—namely, doing so makes for a more secure state—but his reasons are theoretically motivated as well. As the analogy of brotherly strife illustrates, consent of the governed is among the defining features of Magnesia's constitution. It is necessary on pragmatic grounds to prevent civil strife and enable political reform, and it is also required for the city and its citizens to be considered free (*eleutheros*; cf 6.756e–758a, 8.832b–c). Coercive distributions of power are not only inherently illiberal; they also violate nature. The natural (*kata phusin*) and therefore normative state of affairs, Plato insists, is the rule of law in which masses and elites agree to the same form of government and pursue the same sort of life (3.690b–c). Through persuasion and education, the ideal lawmaker 'harmonizes' (συναρμόττων, 1.628a9) the city's factions, encouraging citizens, regardless of status, to endorse the city's version of self-rule. Harmonizing of the interests of all citizen groups is therefore not only politically expedient; it is also connected to Plato's notion of the soul as divine, autonomous, and immortal. As Bobonich has argued, participating in self-rule is an indispensible part of the citizens' 'transpolitical end'—the life of the soul as it departs the body and the city, and is incarnated anew.[74]

In addition to political justice and the consent of the freely governed, the city's political institutions are regulated by another principle of governance—rule of law. An ideal city, Plato concedes, in which temperate, wise, and otherwise perfectly virtuous monarchs rule and are uncorrupted by a monopoly of power—that is, the city of the *Republic*—cannot be realized or made permanent (4.709d–711d). In place of a succession of inevitably imperfect autocrats, Plato opts for a constitution in which law supplies political stability, as well as a mechanism by which to ensure that politics is informed and directed by reason. True law (*nomos*), Plato insists, is the manifestation of divine intelligence or mind (*nous*) within political institutions, and is indifferent to factions and the particular interests within the population over which it is sovereign (1.644e–645a; 4.713c–715d). Law provides the only secure foundation upon which to build a society that remains rational, hierarchical, and organized in the interest of all citizens and in conformity to principles of political justice (5.739b–d).

Because the city must ensure that its members are taught to consent to rule of law, citizens are presented arguments for Magnesia's political regime, arguments that are inscribed within the text of the law code itself (4.718c–724b). The ideal legislator is analogized to a free (*eleutheros*) doctor addressing patients who are also free. Law in its barest form—that is, stripped of any persuasive justification or educative intent—communicates in the voice of a slave doctor who treats only other slaves and addresses them imperiously. As a tyrant, law without persuasion commands its patients to obey and departs without offering an account (*logos*) of the illness by which the sick are afflicted or the medication by which they are to be healed. Because Magnesia's citizens are free (and *eleutheros* is nearly synonymous with citizen in the *Laws*), it would be inappropriate to speak to them as slaves; the legislator must use a language suitable to his audience; he must not simply command or threaten; he must also persuade, educate, and give a rational justification for the behaviors he commends. Each law therefore contains two types of discourse: a liberal, persuasive prelude (*prooimion*) that will render the citizen amenable to virtue, and the law (*nomos*) itself, an authoritative element that includes edict and specifies punishment for infraction. By persuading citizens to live virtuously, the prelude, it is hoped, will render the authoritative component unnecessary.

Plato's discussion of the liberty of the citizen and the generic properties of law has wide-ranging—and conflicting—implications for the kinds of lives available in Magnesia. It suggests, on the one hand, that citizens of Magnesia are free and that this freedom is such an essential characteristic of living in the *polis* that it limits the discursive possibilities of law. The legislator, like the free doctor, may only employ language that respects the citizens' inherent *eleutheria*. He must teach rather than coerce, and his arguments must appeal to the citizens' rationality—however the latter is defined. But, on the other hand, definitions matter in this context. For as an illustration of the legislator's obligation to respect the citizen and to consider his or her inherent liberty in the act of legislation, the analogy between doctor and legislator is strained. Patients remain free precisely where citizens are not; the sick may reject the doctor's advice, but the citizens of Magnesia are at liberty neither to disobey the law nor disbelieve the legislator's arguments.[75] On a less generous reading of the text, the analogy between the doctor and legislator confirms rather glaringly the exact opposite of what it appears intended to demonstrate; in the final analysis, it suggests that the citizen is not at all unlike a slave.

The incommensurability between the freedom of the patient and the freedom of the citizen calls attention to one of the most trenchant controversies

in the literature on the *Laws*—the relationship between the preludes and consent, and, more generally, the state of intellectual freedom in Magnesia.[76] Liberty and consent of the governed are, as we have observed, foundational concepts in Plato's theory of legitimate government, but both appear to be narrowly circumscribed in the *Laws*. Citizens of Magnesia are not free, for instance, to dissent from the law and the city's official doctrines, and the punitive consequences of disobedience are severe, involving in the most serious cases threat of incarceration, exile, and execution.[77] Stalley is right, moreover, to insist that in the *Laws* one finds "no suggestion that the individual citizen should develop his or her own morality in the sense of being able to choose his or her own moral code."[78] Citizens are free only insofar as they are required to agree to their political regime and to participate in ruling and being ruled, and to the degree that they will be given arguments in support of the city's legal doctrines. But they are not free in the kinds of beliefs they are permitted to develop and the kinds of lives they pursue. Such restrictions on intellectual freedom are bound to strike contemporary readers as irreconcilable with genuine philosophical wisdom and as undermining whatever notion of liberty Plato has sought to instantiate in the ideal city. Ultimately, it is left to the reader to decide whether *eleutheria* in Magnesia satisfies the conditions of liberal speech that the analogy between the free doctor and ideal legislator appears to require.

Even at the most theoretical level, the *Laws*' negotiation of a mean between 'monarchic' and 'democratic' constitutions, between persuasive prelude and tyrannical command, and its aspiration to design a city that is justly governed and in which citizens remain free, are embedded within the fourth-century historical moment. We might imagine that as a member of an Athenian elite with relationships of *philia* to democratic and oligarchic factions, Plato experienced personally the strife illustrated in the analogy of the warring brothers. Plato's literary career commenced in the wake of a protracted, imperial war that spanned two generations and ended in the temporary collapse of Athenian democracy. In its aftermath, the Athenian war of conquest turned inward on the citizens themselves, spawning civil strife and a series of politically motivated revenge trials in which Plato's friend and mentor was executed on capricious grounds. As Ober suggests, the two short-lived and brutal antidemocratic coups that followed the Peloponnesian War delegitimized oligarchic ideology and prompted Athenian intellectuals to engage in a sophisticated form of political dissent, a project of "finding new grounds for explaining what was wrong with 'the power of the people' and describing alternative visions of consensual and noncoercive—yet nondemocratic—political societies."[79]

Law is Plato's final answer to the discrediting of oligarchic ideology and the ills of untrammeled popular rule, and, as we discuss at greater length in the next chapter, Magnesia is a model of political dissent. It rests upon and facilitates the articulation of forms of thought and valuation in opposition to Athenian culture, and it seeks to present an alternative paradigm of consensual and noncoercive—yet nondemocratic—self-governance.

I.4 Paradigmatism and the Second-Best Politeia

In his study of Platonic political philosophy, Schofield differentiates between two modes of critique available to fourth-century writers: "*immanent* or *connected* and *rejectionist* or *disconnected* critique: criticism working from a position within or detached from a society, and with or against the system it questions."[80] Plato, Schofield continues, writes within both modes, often simultaneously.[81] Subsequent chapters of this book argue that the approach to performance taken in the *Laws* maintains a primarily—but not exclusively—'immanent' and 'connected' critique; Magnesia appropriates contemporary musical and poetic practices and seeks to reinvent ancient Greek performance culture by wedding it to basic ethical principles that appear throughout the Platonic corpus. The *Laws*' stance toward poetry thus presents the reader a reappraisal of the status of philosophy and philosophers in the ancient *polis*. In the present context it will therefore be instructive to consider the *Republic* and *Laws*' respective programmatic statements on the relationship between the ideal political communities envisioned in each text and the fourth-century institutions and customs of which both dialogues are critical.

Two passages are particularly relevant in this respect. In the first, appearing at the conclusion of *Republic* IX, Socrates concedes that the ideal city may never exist, and this has direct implications for the political life of the philosopher:

> "If he cares for [the constitution of his soul]," [Glaucon] said, "the philosopher will not willingly take part in politics."
>
> "Yes, by the dog," said I, "in his own city he will care very much, yet not perhaps in his fatherland, except by some divine fortune."
>
> "I understand," he said; "you mean the city we have described and settled (οἰκίζοντες), the city that is established in speech (ἐν λόγοις); for I think that it exists nowhere on earth."

> "But," I said, "perhaps there is a model (παράδειγμα) of it set up in heaven (ἐν οὐρανῷ) for him who wishes to see (ὁρᾶν) it and by beholding (ὁρῶντι) to inhabit (κατοίζειν) it. But it makes no difference whether it exists now or ever will exist. In its political affairs alone will he participate, and in no other." (*Resp.* 9.592a5–592b5)

The second, a self-referential passage in the *Laws*, broaches analogous concerns in remarkably similar language. The Athenian Stranger argues that the best city is one in which possessions, family, beliefs, and even that which is by nature private (e.g., eyes and hands) are held in 'common' (κοινά, 5.739c2) so that the citizens appear to see and behave, suffer pleasure and pain, and praise and blame as one. It is here, however, that substantive differences with the *Republic* arise. The Athenian Stranger concedes that the conditions required for the realization of the best city—communal possession of women and children, elimination of private property, unanimity of thought, and an uninterrupted succession of exceptionally virtuous and philosophically expert rulers—are impracticable (5.739a–e). Instead, the best constitution will serve as an ideal toward which a legislator gazes when designing a second-best city:

> Presumably, either gods or the children of gods—more than one—dwell (οἰκοῦσι) in such a city [i.e., the best city]; and living in this manner they inhabit (κατοικοῦσι) it in joy. We must therefore look (σκοπεῖν) nowhere else, it seems, for a model of the constitution (παράδειγμα . . . πολιτείας), but rather taking hold of this one, we must seek with all our power to discover the constitution that is most like it. But if the constitution we have now undertaken to develop were to come into being, it would be nearest to immortality (ἀθανασίας ἐγγύτατα) and second in terms of unity (ἡ μία δευτέρως). (5.739d5–e4)[82]

The discourse of divine and political paradigmatism (παράδειγμα), imagery of family and colonization (οἰκίζοντες, οἰκοῦσι, κατοικοῦσι), metaphors of vision and seeing (ὁρᾶν, ὁρῶντι, σκοπεῖν), the priority given to the unity of the civic community, the communistic proposals that distinguish the *Laws*' best from the second-best city, and the overarching question of whether an ideal city might ever be realized—all echo Socrates' account of the ideal *politeia* in *Republic* 9.592a–592b.[83] Such a dense nexus of verbal resonances cannot have been accidental. The

Laws gestures to the earlier dialogue, implying that the Kallipolis of the *Republic* is the paradigmatic constitution of which Magnesia is an approximation.

Yet, if Magnesia would seem to be crafted to achieve Kallipolis's political ideals as nearly as possible, it must also be recognized that the discourses of paradigmatism in the passages above point in exactly the opposite directions. The *paradeigma* of Kallipolis to which the philosopher looks facilitates the conceptualization of an ideal life *outside* contemporary political praxis. Reluctant to be ensnared in real-world politics, the philosopher of the *Republic* gazes with the mind's eye upon a paradigmatic *politeia* and thereby his or her soul from the vicissitudes and injustices of the world into which he or she has been born. The philosopher of the *Republic* thus sidesteps the cultural particularities and political contingencies of his or her corporeal city and lays claim to an otherworldly citizenship. The *Laws* permits no such transcendence—though Plato does on occasion gesture to a boundless, celestial sublimity that humanity, by virtue of its share of divine soul, may hope someday to attain (cf. 7.803d–804c). Whereas Socrates in the *Republic* invokes the paradigmatic *politeia* to express a rejectionist, disconnected stance vis-à-vis the political institutions of his day, the Athenian Stranger in the *Laws* employs the same language to negotiate an embedded position within fourth-century culture, one that is both immanent and philosophically inspired. Paradigmatism in the *Laws* leads the legislator to work within parameters of the realities, traditions, and limitations of human society as Plato knew them in the fourth century. In lieu of the most ideal constitution—which Plato, in another allusion to the *Republic*, characterizes as virtuous tyranny, licensed to invent society ex nihilo and as it sees fit (5.739a–d)—the Athenian Stranger cobbles together a semi-ideal state, a bricolage *polis*, not drawn on a blank slate but assembled from extant institutions and practices.[84] The second-best city is, as a result, a patchwork of the very material that leads the philosopher of the *Republic* to reject politics—classical and archaic customs, institutions, and technologies, collected from a variety of Greek *poleis* (mostly Athenian but also Doric) and neighboring civilizations (Egypt and Persia are also represented), all of which are situated (at times uncomfortably) within a distinctly Platonic philosophical framework. The upshot of second-best state formation is that the material from which Plato crafts the semi-ideal city in the *Laws* is at once philosophically anchored and yet emmeshed within fourth-century history, culture, and politics.

Despite the clear allusive resonances, the exact relationship between Magnesia and its model has proven difficult to pin down. Saunders argues that the two states are simultaneously dissimilar and identical:

> . . . What is the relationship between the state Magnesia and the state Callipolis? . . . There is no relationship. They are the same Platonic state—but placed at two points on a single sliding scale of political maturity. Now a politically mature Platonic state is, essentially, one governed by persons with metaphysical insights; and the hypothesis of Callipolis is that that kind of rule is achievable. The hypothesis of Magnesia is that it has not yet been achieved, and may indeed never be; nevertheless, Magnesia contains as an integral part of itself machinery embodying a continuing aspiration to it.[85]

Magnesia is a politically immature state insofar as its motley citizens are incapable of direct rule by reason. Its institutions—the written law code, Chorus of Dionysos, and Nocturnal Council, in particular—realize indirectly the metaphysical insights and ethical programs that are immediately available to the *Republic*'s politically mature community by virtue of its philosopher kings.

Persuasive as it may be, Saunders's formulation is not without its difficulties. Why, for instance, is a state in which an infinitesimally small fraction of the population attains genuine philosophical knowledge and lives virtuously, while the rest who are under their care are permitted with moderate constraints to pursue their erroneous desires, more mature than one in which every citizen attains the highest degree of virtue, knowledge, and self-governance of which he or she is capable?[86] From the perspective of the *Laws*, the ideal city of the *Republic*—a city in which a minority elite rules over a consenting but morally inferior majority—appears akin to the second of the three resolutions presented in the analogy of factious states to warring brothers. The case might be made that if a citizen of the caliber of a philosopher king or queen of the *Republic* were to be born in Magnesia, the second-best city would have the institutional resources to grant him or her nearly unchecked political authority. By the *Laws*' own admission, Magnesia is the more realistic and durable of the two cities, better equipped to guide its citizens to virtue in the absence of philosophical rulers. More important still, what precisely does it mean for one text to describe 'machinery' that contains 'aspirations' toward a different type of political community with 'machinery' discussed in another text? The *Republic*'s central institution—philosopher kings

and queens—are nowhere to be found in the *Laws*, and, as Laks, Nightingale, and Benardete remind us, Magnesia's basic machinery—law—is a polyvalent, discursive phenomenon, associated with historical practices and freighted with ideological 'baggage' that fundamentally differentiate the second-best city from Kallipolis on a range of pragmatic and theoretical grounds.[87] Saunders is right to suggest that the *Laws* aspires to the city of the *Republic*, but the discontinuities between the two works render the paradigmatic relation between them anything but straightforward.

The intertextual signaling implicit in the shared language of paradigmatism is an especially pronounced instance of a ubiquitous pattern in the *Laws*, one that bears directly on the interpretation of Magnesia's institutions of performance. On Zuckert's reading, the *Laws* positions itself dramatically and philosophically *anterior* not simply to the *Republic* but to the Platonic corpus as a whole.[88] A careful study of the text, Zuckert claims, points to Socratic political philosophy as the only plausible basis for the political reforms proposed in the second-best city. Rowe hypothesizes that the *Laws* presupposes two audiences and operates on two levels; the first is targeted to an internal audience composed of the would-be inhabitants of Magnesia, the second to a competent interpreter of philosophy, an ideal reader practiced in dialectic and equipped with sophisticated knowledge of the Platonic dialogues. [89] Rowe insists that, "the text of the *Laws* tends specifically to *direct the reader, for the required level of justification, to arguments, and conclusions reached, in other dialogues*."[90] The practiced philosopher and dialectician will perceive the underlying Platonic doctrines that implicitly support the organization of Magnesia's political and cultural institutions. The two levels would therefore meet once the citizens of Magnesia are led by the city's educational system and law code to arguments developed elsewhere in the Platonic corpus. Does the *Laws*, as Zuckert suggests, present itself as antecedent to the Platonic corpus, or does it, with Rowe, presuppose an erudite Platonic readership that will decode Magnesia as a practical application of Platonic doctrines? These are perhaps the same question; for regardless of whether the *Laws* is anterior or posterior to Socratic and Platonic philosophy, the interpretation of the second-best city requires constant reference to arguments presented in elsewhere in Plato's oeuvre for rigorous explanation of the text's projects and philosophical principles—even if, as the language of paradigmatism suggests, it is often impossible to establish an unproblematic, one-to-one correspondence between the *Laws* and the dialogues to which it alludes and directs the reader. To borrow (and slightly abuse) a line from Heraclitus, the *Laws* loves to conceal; its commitments to the philosophy of earlier dialogues

often lies hidden beneath its cultural commentary and is revealed only on close analysis of the shape and ends of its political institutions.

*I.5 The Correct Method (*orthê methodos*) of Cultural Criticism*

If the *Laws* relies on Plato's earlier works for philosophical justification of the positions it assumes, it also develops an approach to the interpretation of cultures that is fundamentally unlike the *Republic*'s, an approach by which to imagine the potential contributions that institutions, however flawed they appear in practice, might make within an ideal city. In this sense it is important to recall the debate with which the dialogue begins, long before Plato sets about constructing a second-best city. In one sense, the opening lines of the *Laws* pose a simple question—whether to attribute the origins of legislation to god or man (1.624a–625a)—but, in another, the conversation swiftly develops into an inquiry into the ends for which laws (*nomoi*), institutions (*epitêdeumata*), and possessions (*ktêmata*) are designed (1.626a–b). Kleinias identifies Doric communal dining halls (*syssitia*), gymnasia, and institutions of governance as having been invented for armed conflict. Every city, he claims, and all peoples are in a state of war of all against all (1.625e–626a). Laws and institutions were invented to equip cities and men for this belligerent reality. Once Kleinias's position has been shown to be untenable, the Athenian Stranger refocuses the conversation on the internal ordering of the soul (1.628c–d). In doing so, he calls attention to the role played by civic institutions in the formation of ethical dispositions—the human propensity to make morally significant judgments on the basis of habits that have been shaped by institutions.

The opening dialogue begs two seminal questions, the first of which is definitional: Is bravery to be understood as habitual preparedness for war and denial of fear, or does it include resistance to the seductive powers of pleasure? To the consternation of his interlocutors, the Athenian Stranger argues that bravery comprehends both conditions. The second question is interpretive and more directly relevant to our concerns: What kinds of institutions produce particular virtues? Both questions are intertwined; when Plato seeks to define *andreia* and *sôphrosynê*, he simultaneously identifies the *epitêdeumata* by which bravery and temperance are cultivated. The implication is that virtues may be mapped onto, and thought of as the byproducts of, a society's customs; in other words, institutions have immanent ethical

and epistemological content. Laws, customs, and conventions predispose individuals to make specific ethical choices, endorse distinct beliefs, and pursue certain kinds of lives. Doric customs, for instance, promote a unique (and impoverished) conception of bravery—the courage that characterizes men in war (1.632d–633c, 1.633e–634a). Spartan gymnastic and commensal practices may prepare for a single aspect of bravery, but the interlocutors are at a loss to discover the institutions by which to cultivate temperance amid pleasure (1.634a–c).

To make matters worse, the Athenian Stranger suggests, beliefs that inhere in institutions are likely to be mistaken and corrosive, a situation that may lead to the permanent institutionalization of ethical perversion. Although Sparta is perhaps to be commended for its courage, the very practices that train in bravery simultaneously undermine temperance. States are like bodies, the Athenian Stranger argues, and institutions like nourishment and medicine; an institution that helps in one respect may harm in another (1.636a–b). Communal dining may ensure the presence of martial bravery, but these same institutions also foment civil war (στάσεις, 1.636b3). Moreover, the Athenian Stranger continues, "there is an ancient law (παλαιὸν νόμον) concerning sexual pleasures (τὰς περὶ τὰ ἀφροδίσια ἡδονάς) not only of humans but of animals, a law laid down even in nature (κατὰ φύσιν), which this practice [i.e., the *syssition*] has also corrupted (διαφθαρκέναι)" (1.636b4–6). The law of which the Athenian Stranger speaks pertains to the pleasure enjoyed when male and female "nature (φύσει) join in the union of reproduction (εἰς κοινωνίαν ἰούσῃ τῆς γεννήσεως, 1.636c3–7)"—a "natural" pleasure that Sparta has perverted, rationalizing its pederastic practices by myths of Ganymede.

The Athenian Stranger's criticisms of Doric institutions lead to a contentious debate on the merits of drinking and Dionysiac festival. In defense of his city's gymnastic and commensal institutions, Megillos denounces Athens's disreputable indulgence in wine and cites Sparta's record of victory in battle as evidence of the superiority of his city's abstemious drinking habits. The Athenian Stranger responds by criticizing Sparta's teetotal sobriety and knocking the reputation of its famously louche and wanton women. At this point, the dialogue has reached an impasse, but before the conversation devolves into tit-for-tat chauvinism, the Athenian Stranger draws attention to the interlocutors' method of cultural criticism:

> It seems to me that all those who take up a practice or institution (ἐπιτήδευμα) for discussion and propose to blame or praise it as soon as it is mentioned proceed in a manner that is not at all proper. They

> do the same as someone who, when he hears another strongly praising a kind of cheese as a good food, immediately blames it, without learning either its effect (ἐργασίαν) or application (προσφοράν)—in what manner, by whom, along with whom (μεθ' ὧν), in what condition, and to persons in what condition. This is the very thing, it seems to me, we are now doing in our arguments. Having heard only this much about the subject of drunkenness (μέθης), some of us are immediately blaming it and others are praising it—both absurdly. . . . Now if this is how we will go through all other customs (νομίμων), it would not be rational (κατὰ νοῦν) in my opinion. I wish to speak about this very subject—namely, drunkenness (μέθης)—in another way which seems to me to be necessary; in doing so I might be able to show us the right method (ὀρθὴν μέθοδον) for discussing all customs and institutions, since myriads upon myriads of nations disagree with your two cities and would contest these matters with you in discussion. (1.638c2–e6)

The 'correct method' (ὀρθὴν μέθοδον) requires an open mind; it suggests that one ought not to fault or reject a given practice out of hand—whether it is cuisine, animal husbandry, navigation, or generalship—but rather to imagine it conducted under the management of a knowledge and able ruler. Institutions cannot be judged as they appear in practice; the theorist of law must rather judge the effect and application of an institution only once it has been restored to its natural state:

> Take any community or association (κοινωνίας) for which there exists by nature a ruler (πέφυκέν τε ἄρχων), and which is beneficial when the ruler is present: what would we say about someone who praised or blamed it without ever having seen it operating in a correct manner (ὀρθῶς) under its ruler, but had always seen such social intercourse without a ruler or under bad rulers? Do we believe onlookers like these will ever have any worthwhile praise or blame for such communities? (1.639c1–6)

The Athenian Stranger's immediate aim is to redirect the conversation from an interminable cul-de-sac of prejudicial praise and blame, but the self-reflexive significance of this passage for the interpretation of the *Laws* as a whole has not generally been recognized.[91] On one level, the *orthê methodos* suggests a receptivity to and a readiness to consider the benefits of any cultural practice and institution regardless of origin and moral effects—even drunken

Dionysiac (i.e., Athenian) festivals. Plato's punning in this instance—μέθης, μεθ' ὧν, μέθοδον—thus marks a convergence of the *Laws*' arguments with its literary soundscape. Just as the correct method of criticism makes the interlocutors open to accepting foreign cultures and institutions, one of the primary functions of drinking, the Athenian Stranger later argues, is to dissolve prejudice, to free the elderly from the mental stiffness of old age, and to make one more receptive to novel experiences and ideas (2.666a–c).[92]

On another level, however, 1.638c–639c shows Plato developing a programmatic and self-reflexive position in relation to the historical context and cultural phenomena upon which the *Laws* comments. The 'correct method' of criticism establishes a heuristic toward ancient societies, a model of institutional analysis that enables Plato to discover utility in institutions and practices that have otherwise become corrupted (διαφθαρκέναι) and are thus irreconcilable with Plato's philosophy. And the hermeneutic approach to ancient institutions that Plato crafts in the *Laws* raises significant doubts regarding the text's reliability as a source for the study of ancient societies; for an institution's natural (πέφυκέν) and correct (ὀρθῶς) configuration may have appeared as such nowhere in ancient society. One of the implications of 1.638c–639c is to suggest that Plato's inquiry into contemporary *epiteudêmata* is tendentious, intended to uncover in institutions and customs the potential for particular virtues with which they may not have in fact been associated.

Consider briefly Plato's treatment of Doric rituals of commensality and Athenian drinking customs, an especially striking example of the application of the 'correct method.'[93] The Athenian Stranger claims to have traveled throughout the Mediterranean and never once to have seen a single social gathering (*sunousia*) arranged in its correct, natural form under the leadership of a ruler (*arkhôn* 1.639d–e; cf. 1.640a–e). It is therefore impossible, he argues, to evaluate the application and function of commensality and drinking on the basis of historical practice. Instead, Doric *syssitia* and Athenian symposia and *heortai* will need to be judged only once they have been transformed out of all recognizable shape and, paradoxically, returned to their 'correct' and 'natural' condition. In the argument that follows, which spans Books I and II, the Athenian Stranger applies the correct method to customs of conviviality, and the result, as Tecuşan observes, is a systematic restoration of sympotic and festival institutions.[94] Criticized by Megillos for debauchery, symposia and Dionysiac festivals are transformed into instruments by which to teach temperance. Spartan customs are subjected to an analogous return to the 'natural.' Although they have been singled out as conducive to civil war and deleterious to the formation of 'natural' sexual pleasure,

Spartan rituals of commensality provide the basic template for the *Laws*' educational and cultural institutions. As Larivée has argued, gymnasia, *syssitia*, and other epipolemic *epitêdeumata* reappear in Magnesia emptied of martial and homoerotic valences, re-engineered to produce peaceful temperance and 'natural' heterosexuality—the very antithesis to the values with which they are historically associated.[95] In each instance, the correct method of analysis wrests culturally differentiated practices from their particular social and political contexts, conjoins them within a generic super-category (*synousia*), and subordinates them to a hierarchical rule that the interlocutors construe as natural but recognize as having no historical precedent. A form of the institution is retained but only to be invested with a fundamentally different kind of ethical valence and social efficacy.

This is not to suggest that no correspondence obtains between the institutions represented in the *Laws* and fourth-century practice. For Plato clearly claims too much originality. As we observe in later chapters, *syssitia*, symposia, and Dionysiac festival were thought to promote values that Plato accepts in the *Laws*, not only those he rejects. But as Jackson has recently argued, the *orthê methodos* has direct bearing on the *Laws*' reliability as a historical resource.[96] The particular difficulty with Plato's account of ancient Greek culture in the *Laws* emerges from the fact that what is meant by nature may appear nowhere in historical practice (or so Plato believes), and an institution may be portrayed as *kata phusin* in the *Laws* precisely to the degree that it conforms to a normative, purposively tendentious, and historically inaccurate account of how it ought to exist and operate. The 'correct' interpretive method strives not for veristic fidelity, but rather proceeds by disentangling customs from the societies in which they appear, suspending judgment until they have been reorganized under new principles of leadership to produce values that may be at odds with historical practice. Historical fidelity is not a primary concern for the project that Plato undertakes in the *Laws*, and, to the degree that the text reimagines institutions as they have never before been known, infidelity is. In its most extreme manifestation, the correct method is systematically deracinating, rejectionist in its refusal to admit the customary significance of cultural practices, and *re*programmatic in its investing of institutions with novel philosophical value and social utility. Magnesia simultaneously presupposes and effaces the distance between a descriptive account and a normative redesign of ancient Greek practices (to the detriment of the former). The second-best city exaggerates and amplifies, curtails and ablates the immanent ethical and epistemological content of ancient institutions.

In other words, Plato's *methodos* is *orthê* not merely in the sense of *correct* but *corrective*, designed to naturalize historical misrepresentation and philosophical appropriation—an important reminder that the *Laws* is an interpretation—in the Nietzschean sense—of the practices of which the second-best city-state is composed. We might therefore pause before taking the *Laws* as a testimony of ancient practices of performance; our 'source' reveals the intention to misrepresent the material it portrays.

Yet, there are no raw materials in the makings of a second-best city. Institutions do not exist in a philosophical vacuum, and neither can Plato present them in a pure, abstracted, and completely dehistoricized form. As Plato's exploration of the ends of commensal and sympotic customs makes clear, institutions are overdetermined with historical significance and identifiable with particular societies and modes of valuation, and for Plato this presents both problems and solutions. One cannot guarantee that contemporary customs are amenable to an ideal citizen community, and Plato therefore addresses the values that accompany the elements from which the second-best city is constructed, exaggerating, limiting, and excising the immanent ethical and epistemic content of ancient institutions as he sees fit. Especially corrosive social phenomena (e.g., debt and extreme disparities of wealth) are expurgated or suppressed, but numerous other practices (including musical performance) are subjected to the corrective method of criticism, extracted from their original contexts, and transplanted within Magnesia.[97] What this means is that the material from which Magnesia is constructed must not be looked upon merely as a constraint on the ideal constitution. As the next chapters suggest, Plato discovers in contemporary institutions answers to philosophical problems, and Magnesia offers readers a palimpsest of Platonic thought and ancient practice, at once in conversation with Plato's earlier works and in a dialectic with the cultural fabric from which the second-best city is woven. To repeat a claim made above, any analysis of the *Laws* must read the text in its philosophical and historical contexts, prizing apart the layers of filtering, representation, and misrepresentation that Plato introduces into the material he treats. The legacy of culture will be seen to facilitate even as it obstructs philosophy's vision of an ideal city.

I.6 Conclusions

By way of conclusion, a précis of this survey of the *Laws* and its bearing on the study of *mousikê* is in order. We have observed that Magnesia

aims to harmonize and create bonds of *philia* among the diverse populations that comprise its citizen community. All citizens, irrespective of origin, class, and status, have a shared lifestyle and a single end: namely, the pursuit of virtue in themselves and others. Consent of the governed is among the *Laws*' most basic principles, and, as a result, Magnesia's institutions of governance are inclusive and participatory, providing opportunities for all citizens to share in ruling and being ruled. At the same time, Plato's second-best city remains hierarchical, adhering to a notion of political justice that awards positions of authority on the basis of merit and demonstrated ability to live virtuously. Plato appears to prefer a state governed by philosophically enlightened dictators, but such an arrangement is dismissed as unfeasible. Instead, Magnesia's constitution is an admixture of liberal and despotic, democratic and monarchic elements. Rule of law takes the place of philosopher kings and queens as the instrument by which to achieve stable, philosophically informed, and non-democratic self-rule.

The *Laws* presents its second-best constitution, moreover, as a best-possible approximation to the paradigmatic communism of the *Republic*, and the relationship between the two texts' constitutions reflects the *Laws*' allusive indebtedness to the Platonic corpus. Plato directs readers to other dialogues for full argumentation in support of the positions it assumes. Reading the *Laws* thus requires an awareness of the philosophical tradition of which it is part and which it is designed to enable. Conversely, by virtue of being second-best—that is, committed to utilizing extant institutions and traditions to achieve philosophical ends—the *Laws* also invites reading with reference to contemporary practices. Its relationship with the material from which Magnesia is crafted is complicated by the fact that institutions are productive of values that may be either useful or in contradiction to the beliefs and commitments expected of citizens of an ideal city. To address the historical and ideological encumbrances of contemporary institutions, the *Laws* develops a 'correct method' of cultural analysis, which involves both criticism and revision, a restoration of traditions and customs under the 'natural' leadership of an enlightened ruler. Instead of merely treating contemporary institutions as hindrances to the realization of an ideal city, however, Plato also finds ways to utilize Athenian, Doric, and pan-Mediterranean practices to expand the horizons of philosophy.

The implications of this survey for the study of *mousikê* in the *Laws* are in one sense legal and political. Just as the most renowned ancient legislators, Minos, Lycurgus, and Solon, were also celebrated poetic figures—either subjects of commemoration or poets in their own right—Magnesia's literary

canon is called into the service of its legal canon, reflecting the goals and organizing principles of the city's law code.[98] Law (*nomos*) is the medium through which wisdom and intelligence (*nous*) influence the instruments of government, and poetry, too, is a form of law, a domain of social activity subject to legal regulation and a body of phenomena arranged and interpretable according to principles of rationality and order. *Mousikê*, like law, becomes an instrument to promote common beliefs, a sense of civic harmony, and *philia* that transcends status and class. It also reflects an analogous hierarchical ordering; institutions of poetry, music, song, and dance provide a context within which all citizens share in the city's cultural institutions, and in which authority is distributed according to virtue and knowledge. As we discuss in Chapters 2 and 3, authority in performance is assigned not to performers but to the audience, which exercises critical spectatorship and judgment.

Just as the second-best city of which it is part, Plato's approach to *mousikê* is programmatically immanent, working within the parameters of ancient Greek performance to fashion a second-best system of genres. Within this system, Plato negotiates between two authoritative points of reference, the first of which is his own philosophical oeuvre; for Plato's engagement in the *Laws* with the poetic tradition must be held against and interpreted with reference to the early and middle dialogues. One striking observation to emerge from reading the *Laws* in this manner is that the very theories leveled *against* mimetic art in the *Ion* and *Republic* supply the philosophical theory that undergirds the rehabilitation of Athenian performance culture in Magnesia; Plato's 'thought' has not changed, but his agenda with respect to poetry and poetic pleasure has. The second point of reference is the Greek poetic tradition and especially the Athenian theater. The *Laws* essays conscious (mis) readings of the social function of music, poetry, song, and dance with the express objective of extricating the arts of the Muses from their particular social and civic contexts and rendering them amenable to Plato's view of an ideal society. In one sense, then, this entire book may be understood as a study of the application of the *orthê methodos* to poetic art. But *mousikê* is its own reservoir of meanings, arguments, and value, as laden with signification as any institution brought into the second-best city. Meaning inheres in the things people do, and poetic forms reflect, crystallize, and reproduce the politics and moral psychologies of the societies from which they emerge. Athenian performance culture lies beneath Magnesia's vision of well-regulated poetry, music, song, and dance; and, if part of the aim of the *Laws* is to impose an

interpretation onto (and thereby appropriate) poetic phenomena, no act of philosophical appropriation is ever neat or seamless. Despite his efforts to subsume and domesticate the ancient poetic tradition within the second-best city, Plato also discovers in *mousikê* resources to broaden philosophy's compass and address social practices that lie beyond the purview of Magnesia's political institutions. It is to Plato's remaking of Athenian performance that we now turn.

PART I

Performance

1

Marionettes of the Soul

PERFORMANCE AND THE PSYCHOLOGY OF *MOUSIKÊ* IN PLATO'S *LAWS*

One of the things that everyone knows but no one can quite think how to demonstrate is that a country's politics reflect the design of its culture. . . . Between the stream of events that make up political life and the web of beliefs that comprises a culture it is difficult to find a middle term. On the one hand, everything looks like a clutter of schemes and surprises; on the other, like a vast geometry of settled judgments. What joins such a chaos of incident to such a cosmos of sentiment is extremely obscure, and how to formulate it is even more so.

CLIFFORD GEERTZ, *The Interpretation of Cultures*[1]

1.1 Introduction

Clifford Geertz's remarks on Indonesian culture and politics remain as seminal in contemporary anthropology as they do, *mutatis mutandis*, in the study of the classical Greek *polis*. How are we to make sense of the enigmatic but undeniable interrelationship between the historically transmitted patterns of meaning of which an ancient society's culture is composed, and the chancy, erratic movements that comprise what in Greek is called *ta politika*, 'the political,' understood as encompassing events, practices, and institutions?[2] Is there, as Geertz posits, a middle term between culture and politics, a vantage from which to interpret the distinctive properties and organizing principles of each sphere of human activity while elucidating areas of intersection and convergence? As importantly, how is that middle term formulated in ancient Greece, and how might we as commentators separated from antiquity by millennia reconstruct that formulation to develop a historically nuanced account

of the interrelation of culture and politics as it was perceived by those who experienced life in the classical *polis*?

Such questions are by no means new, but they delineate a set of concerns that remain central to ancient Greek intellectual and literary history, and they are among the basic concerns Plato raises in the *Laws*, his longest, last, and unfinished philosophical dialogue. The perceived symmetry between ancient Greek politics and cultural beliefs—especially those attested and affirmed in poetic, musical, song, and dance performance—forms a node of anxiety and theoretical speculation throughout the Platonic corpus. One of the most remarkable articulations of that symmetry appears in a well-known account of the demise of Athenian aristocracy in the third book of the *Laws*. In Plato's portrayal, the decline of Athens's ancestral—that is, aristocratic—constitution may be traced to its system of genres and to the history of *mousikê* (lit., 'the arts of the Muses').[3] Once classified by form and meaning, Athenian poetic genres began to undergo change when poets blurred generic distinctions and convinced spectators that *mousikê* has no standard of correctness (*orthôtês*) apart from the pleasure (*hêdonê*) that it affords the audience (3.700d–e). Seduced by their own pleasure principle, Athenian spectators redesigned their cultural beliefs; their political practices followed accordingly:

> The outcome was that the theaters have become noisy instead of quiet, as though they knew what is fine and beautiful in the Muses and what is not (ἐν μούσαις τό τε καλὸν καὶ μή); and in place of an aristocracy (ἀριστοκρατίας) in music, there arose a debased rule of the spectator (θεατροκρατία). If only there had emerged a democracy of free men in music (δημοκρατία ἐν αὐτῇ . . . ἐλευθέρων ἀνδρῶν), the development would not have been so terrible. But as it was, lawlessness (παρανομία) and the belief (δόξα) that everyone has wisdom (σοφίας) in all matters originated from the arts of the Muses (μουσικῆς), and liberty (ἐλευθερία) followed. (3.700e6–701a7) [4]

For Plato, the web of beliefs that subtend post-aristocratic Athenian culture begins as the rule of the spectator (*theatrokratia*) and metastasizes into politics as rule of the masses (*dêmokratia*). The period of Athenian history of which the Athenian Stranger, the *Laws*' chief interlocutor, speaks is not only characterized by profound changes in cultural beliefs; that is, not only does it rise to a presumption of wisdom, supposition of moral authority to judge good and evil, habitual disregard for law, valorization of pleasure especially in poetic experience, and *eleutheria*, liberty. It is also marked by a vast

chaos of political incident—the end of Athenian aristocracy, the ascendancy of power of the people, conflicts with Persia, Sparta, Sicily, and throughout the Mediterranean, the rise and collapse of Athenian naval hegemony, oligarchic coup d'états, and civil war—all of which form the backdrop for Plato's depiction of Athenian history in the *Laws.* As a later passage makes clear, Plato suggests that Athenian democracy is fated to become more chaotic still, to collapse in its entirety and return to a primeval state of nature in which life is solitary, poor, nasty, brutish, and short (3.701c). Plato thus calls attention to the interdependency of the clutter of schemes and surprises that are Athenian politics and the geometry of settled—but in his mind fundamentally mistaken—judgments that are its culture, and he conjoins the past, present, and future of the two into a narrative of inevitable cultural and political decline. But what is it in Plato's version of Athenian history that supplies the middle term between the stream of events that make up Athenian politics, on the one hand, and the web of beliefs evinced in its theater, its irrepressible aesthetic hedonism, and its valorization of liberty, on the other? What is it, in other words, that allows Athenian theater to subsume Athenian politics and enables *mousikê* to catalyze political change?

In one sense, Plato's answer to these questions is straightforward: the third term is the soul (*psychê*)—the link between theatrocracy and democracy and the common stratum of which culture and politics are parallel manifestations. For Plato, political history is the narration of a people's moral psychology, and cultural institutions—again, especially those of music, poetry, song, and dance—are the contexts in which sentiments and ethical dispositions are formed and impressed upon the psyche. The soul provides the key to interpreting erratic political movements and the cosmos of sentiments that are a society's culture. It is the starting point in the *Laws*' critique of fourth-century democratic Athens, as well as for the project at the center of this study—namely, Plato's vision of Athenian performance remade as an instrument for the cultivation of philosophical virtue.

Accounting for the junctures between ostensibly arbitrary political phenomena and the deep structures of belief that societies maintain, often despite the unpredictability of their political behaviors—this, for the anthropologist, is a problem of description. For the philosopher, it is also one of prescription. When Plato took it upon himself to write the *Laws*, he proposed not only to record and interpret, document, and taxonomize Greek practices, but also to envision a city, a colony named Magnesia, in which politics and culture evince a particular notion of moral excellence. The narrative of Athenian history in the *Laws* is thus part and parcel of a normative program to fashion an ideal

polity, to redesign the arts of the Muses, and to replace what Plato portrays as mistaken judgments regarding liberty, goodness, and pleasure with a commitment to virtue, so that the stream of events that make up political life will no longer seem so chaotic, but will rather be ordered by a different kind of geometry, thus instantiating a philosophical ideal.

The soul is therefore a fundamental concern in this study, and it is the focus of the present chapter. The following sections explore Plato's account of the psyche, its intrinsic structure, its plasticity, and its formation in social institutions—again, especially those of poetry, music, song, and dance—and the manner in which habits, dispositions, and sentiments learned in performance ramify throughout the city's political institutions. Plato will be shown to have abandoned the *Republic*'s tripartite division of the soul into appetitive, spirited, and rational elements, a configuration in which the psyche is always turned against itself and in which hedonic desires are perpetually in conflict with reason. The *Laws* offers instead a striking image of the soul, limned in a metaphor of the psyche as a marvelous marionette (*paignion*) suspended from the cords of reason or calculation (*logismos*), the sensations of pleasure (*hêdonê*) and pain (*lupê*), and the beliefs (*doxai*) that attend those sensations—an image in which pleasure and pain are treated as fictile, prone to be sculpted and trained in *mousikê*. Plato regards poetry, music, song, and dance as uniquely effective in determining the soul's ethical habits, sentiments, and dispositions. For better or for worse, as 3.700e–701a suggests, we become the kinds of persons that we are by participating in performance. Plato later argues that the gods have given the arts of the Muses to lead our choruses, shape our psyches, and mold our senses of pleasure and pain through the joy (*khara*) of choral performance (*khoreia*, 2.654a). If the soul is the material, performance is the efficient cause of which lives and cities are made. Herein lie both a danger and the promise of mimetic art. The danger, Plato believes, is that so powerful an instrument of psychological formation has been perverted; theater in Athens has communicated beliefs at odds with reason and has trained the souls of its citizens to experience and endorse pleasure in vice. Yet, if the soul and its ethical dispositions are essentially ductile, it may also be taught to experience aesthetic pleasure in and welcome the properties of actions (whether real or represented on stage) that are genuinely beautiful and fine (*kalon*), and to rebel against and resist manifestations of vice (again, whether in life or mimetic media). Virtue may thus be a sensual, hedonic experience, in which calculation and the sensations of pleasure and pain endorse the same properties, actions, and beliefs. If poetry, music, song, and dance may be reformed and tethered to a philosophical notion of the good and the beautiful,

the very arts that have led souls astray may guide them to delight in the pursuit of virtue; and pleasure—aesthetic pleasure—may play an pivotal role in the philosophical life. The soul is the basis for Plato's alternative to Athenian theatrocracy, and it enables the design of a society in which poetry, music, song, and dance may lead the citizen to delight in the good. This, then, is the core of the project that Plato proposes in the *Laws*, and it is the reason his final dialogue undertakes so thorough an interpretation of the arts of the Muses.

In stressing psychology as the fundamental link between Athenian theatrocracy and democracy, culture, and politics, this book argues that the *Laws* revisits and redeploys to new ends the critique of poetic inspiration and the theories of mimesis in the *Ion* and *Republic* in an account of theater—and, indeed, of all *mousikê*—as the impetus for the formation of political institutions. It reads the *Laws* against later ancient philosophers who, like Aristotle in the *Poetics* and *Politics* 8, adapt Plato's approach to aesthetic experience to defend mimetic art, share with the *Laws* a suspicion of public performance, and also privilege the written word as a medium of literary consumption.[5] Like much recent work on the *Laws*, the present study also reads Plato's final dialogue as a commentary on fourth-century Athenian chorality (*khoreia*); and it takes the particular phenomenon that Plato casts in the language of his late psychology as the artistic movement, ubiquitous in Athenian choral genres and especially symbolized by the dithyramb and virtuosic performances of the *aulos*, known as the 'New Music.' Greek has no expression for 'New Music,' and, since its most notorious practitioners—for example Timotheus—are active in the last quarter of the fifth century, what is 'new' about it in Plato's day is not at all evident. But it is clear that fourth-century philosophical writers betray increasing apprehension regarding what they portray as a newfangled poetical trend, a fetishizing of sensual (and senseless) language and densely concatenated (and catachrestic) imagery; a liberation of the theater from the domination of leisure-class Athenian elites and the ascendancy of professional, working-class musicians hired from abroad; and an inexorable rage for musical experimentation, coupled with technological innovations on the *aulos* and lyre, that exploded old generic and interpretive categories and outstripped the invention of new ones to make sense of what theater was all about.[6] Plato is concerned in the *Laws* to develop a language to comprehend and regulate the New Music, and we return to 3.700e–701a in Chapter 2, reading it closely as an examination of Athenian literary and critical history.

Yet, to restrict the scope of Plato's musical and poetic inquiry solely to a neoteric auletic vogue—however pervasive and momentous it may have

appeared to be at the time—would be to miss the breadth and nuance of the argument. The image of the spectatorial politics of the theater as the origins of the spectatorial politics of the state corresponds to and refracts tragedy's perceived democratic affiliation and its reputation, so thoroughly parodied in Aristophanes' *Frogs* (948–1088), as an education for the *dêmos*. What Aristophanes claims for the poets—that their arts determine the ethical habits of the Athenian citizen—Plato expands into a statement on the political history of the Athenian *polis* and the poetic discourses it authorizes and by which it is authorized. Goldhill has argued that the sixth- and fifth-century emergence and consolidation of democracy "required and enforced a reorganization of socio-political space, and its new institutions along with its new architecture redefined the spatial relations of the city, and constructed new spaces for the *exercise of citizenship* where both to act before an audience and to participate in an audience are defining characteristics of democratic obligations."[7] For Plato, however, the teleology works in the opposite direction; it is the theater that required and enforced a reorganization of political knowledge and political space. The portrayal of Athenian theatrocracy is an attempt to supply an explanatory framework for, and to make sense of, the recognition not that "to be in an audience is . . . a fundamental *political act*,"[8] but that to be in the democratic assembly, council, and courtroom is a fundamental *theatrical* act.

Plato's account of Athenian cultural and political development also betrays an affinity with other fourth-century philosophical writers whose interest in comparative politics and law culminated in the crystallization of systematic constitutional history—the *politeia*—as a literary genre. In this sense, 3.700e–701a must be read against the Old Oligarch and Isocrates' *Areopagiticus*; the latter also excoriates Athenian liberty (*eleutheria*) and lawlessness (*paranomia*), anachronistically conjuring an 'ancestral democracy,' an ideal of aristocratic rule decked out in democratic symbols, retrojected into the Athenian past, and conferred an aura of inviolability by virtue of its purported ancestry—all to support disempowering the people and delegitimizing popular rule (cf. Isoc. 7.20). But here, too, the *Laws* subverts the genres and modes of thought that it invokes. For Plato writes the narrowly political (*ta politika*) out of this compressed, microcosmic Athenian constitutional history (*politeia*)—or, more precisely, he subordinates the causes of political change to the psychology of generic change. The engines of political and legal history are thus found, Plato argues, in those domains of *polis* life that fall beyond the narrow purview of law and government. The implication is that constitutional history resolves into ethical history, which in turn

resolves into theater history; and the principal foci of literary *politeiai* have been concentrated on the wrong institutions.

Notable for their absence in Plato's Athenian constitutional history are oratory and the sophistic movement that grew up around it, which privileged performed prose over poetry as the substance of (elite) education and construed the courtrooms and assemblies as the arenas for elite competition, influence, and the acquisition of prestige. In the *Laws*, the art of the *rhêtôr* has been excised from Athens, the city in which it was, if not conceived, then popularized and in which it matured. In its place, Chapter 2 argues, Plato's vision of aristocratic Athens harkens to an archaic model of song culture, preserved especially in Sparta but inexorably consumed in Athens by the centripetal force of tragic theater. The ideal city of the *Laws*—in which the best (*aristoi*) hold the highest positions of power (*kratos*)—represents itself as a return to an archaizing aristocracy in *mousikê*, and it, too, is devoid of *rhetorikê*.

If the ideal *mousikê* of the *Laws* is backward facing, if what is wrong with Athens is what is new in Athens, Plato's narration of the transition from aristocracy to theatrocracy to democracy in 3.700–701 is nevertheless of a piece with the most current musicological investigations. As Chapter 2 also argues, Damon of Oa's ethicizing harmonic and modal theories are an important influence felt throughout the *Laws*, lying at the core of Plato's account of generic history. Another influence is a related movement to formalize generic taxonomies. If, as Rossi argues, the classical period is one in which practitioners of poetic composition and theorists of genre show high levels of agreement—in which, that is, descriptive norms correspond to prescriptive norms regarding the forms that genres ought take—3.700–701 is among the earliest and clearest formulations of that theoretical development.[9]

Approached from a historiographical angle, 3.700e–701a offers another layer of intertextual correction—an angle that the *Laws* overtly invites, for the discussion of theatrocracy is the capstone in a Herodotean, comparative political ethnography that spans the length of Book III and pits Sparta's mixed constitution against the extremes of Persian tyranny and Athenian *eleutheria*.[10] Its implicit argument is that the sources of secondary state formation cannot be attributed to the external stimuli of the Persian Wars or Athenian imperial expansion. They are neither explicable by reference to a theory of environmental determinism, a cause favored among the Hippocratic medical writers who influence Herodotus, nor located within the kinds of cynical and sophistic *logoi* Thucydides purports accurately to record; there are no speeches in Plato's historiography.[11] In Athens, at least, the causes of secondary state

formation are found in the internal psychology of the city's cultural institutions and, in particular, its practices of performance. In this respect, it is telling that while Magnesia is a colony, it is to be founded far beyond the sphere of Athenian cultural influence, as well as of the Sicilian *apoikiai*—erstwhile marginal polities that, according to the seventh *Letter* (326b–341b), Plato visited more than once and which had garnered increasingly pan-Mediterranean political and cultural influence in the fourth century.[12] Comparative political ethnography, history of colonization, naval imperialism (Minos looms large from the very first page of the *Laws*)—all lie not very far beneath the surface of Plato's portrayal of Athenian theatrocracy, subtexts invoked and against which the text implicitly invites readers to interpret its version of democratic *libertas*.

To broaden out from narrowly Athenocentric concerns, Taplin and Wilson remind us that Plato wrote the *Laws* at a moment in which Athenian dramatic genres had become one of the city's most visible exports. The Athenian-style *khoregia* spread throughout the Mediterranean as a model for liturgical funding; stone theaters began to appear in the wealthier *poleis*; tragic poets, acting troupes, and the Artists of Dionysos plied their trade in Macedon and Sicily (as did philosophers); and Southern Italic colonies became major markets for comedic reperformance.[13] Tragedy always seems to have balanced Athenocentrism and Panhellenism; the chorus in particular forged a transpolitical discourse—often couched in a language of emotions—that pointed up universal values and challenged Athenian audiences to rethink the normative assumptions that underpin democratic ideology.[14] Plato's theatrical world is one in which Athenian culture is increasingly disseminated throughout, and transformed by a larger and multipolar Panhellenic cosmos. Magnesia's repertoire of genres and the resources of poetic commemoration upon which it draws, we shall observe in this and the next three chapters, navigate the larger horizons of pan-Mediterranean *mousikê*.

What this suggests is that Plato's critique of Athenian generic and political history must be read as a response not only to ancient chorality and the New Music, but also to the overdetermined philosophical, literary, and political environment of the fourth century, both in Athens and the larger Mediterranean world, that is the compass of the *Laws*. Another conclusion to be reached is that the *Laws*' moral psychology—the basic framework within which Plato accounts for the displacement of theatrocracy as democracy—must be historicized, read against and in light of such expansive historical horizons. Before turning to the *Laws*' psychology,

I wish therefore to pan out from the particularities of the *Laws*' account of the soul and to contextualize Plato's critique of Athenian theater in relation to the historical and intellectual environment against which Plato wrote. In particular, I believe Plato's criticisms of Athenian theatrocracy and, indeed, his entire treatment of *mousikê* must be situated within a larger fifth- and fourth-century problematization—in the Foucauldian sense—of the performative dimensions of Athenian citizenship, a problematization that made not just theatrical genres but also non-poetic scenarios of performance sites of contestation in the classical *polis*. The next section thus has two principal goals. First, it defines theoretical terms that have been in use and will remain central throughout this and subsequent chapters—namely, 'performance' and 'performativity'; in doing so, it situates the approach to performance employed in this study in relation to contemporary speech act theory, philosophy of language, and anthropology. Second, it clarifies how Plato's approach to performance in the *Laws* is to be positioned within and against a literary tradition of political dissent, a tradition that took as its object of critique both the power of the people and the privileged status that performative practices were perceived as having in democratic Athens. Only once the larger historical and intellectual contexts in which Plato wrote the *Laws* have been clarified will it be possible to perceive what is at stake in its theorization of *mousikê* and in the moral psychology upon which it rests.

1.2 Theoretical Orientations: Performance, Performativity, and Political Dissent

If the design of *mousikê* in Plato's second-best city, its philosophical grounding in the *Laws*' moral psychology, and its dialogue with the poetic tradition and the intellectual and historical contexts of the fourth century are the subject of this book, performance forms an essential dimension of its interpretive lens. For the purposes of this study, we adapt Taplin's definition of performance as any "occasion on which appropriate individuals enact events, in accordance with certain recognized conventions, in the sight and hearing of a larger social group, and in some sense for their benefit."[15] Within such a capacious definition Taplin includes "[c]ultic rites, processions, athletic contests, musical contests, intellectual *apodeixeis*, political and forensic oratory, gymnastic activities, military parades, battle exhortations, funeral *thrênoi* and choral dance-songs of many kinds."[16] Taplin is certainly right that ancient Greek societies were "extraordinarily performanceful."[17] But our definition of performance is more

restricted: we shall be concerned solely with performances associated with *mousikê*, that is, participation in the institutions, practices, and scenarios for the production of poetry, music, song, and dance; and we refer to the totality of institutions and scenarios of such performances in a *polis* as its performance culture. Such a restricted definition of performance and performance culture has the benefit of circumscribing the subject of inquiry; it excludes, for instance, deliberative, forensic, and epideictic oratory, which, for reasons we discuss below, occupies a less centripetal position in the ideal city of the *Laws* than in democratic Athens. Delivery of speeches is, of course, a marked, conventionalized, and authoritative model of performance in the fourth century—perhaps even more so than *mousikê*—and a study of Plato's engagement with the rhetorical tradition in the *Laws* remains a desideratum. But it lies far afield of the present investigation, whose concerns are activities and phenomena that share certain formal properties (namely, harmonic, rhythmic, melodic, and metrical ordering), which *rhetorikê* lacks (with the exception of Gorgias's poeticized style, whose novelty derives from its bringing into oratorical prose the characteristics of poetic art). At the same time, our definition of performance and performance culture includes activities associated with theater, dance, and music—such as spectatorship, production, sponsorship, and religious contexts of performance—that are customarily treated in contemporary usage as separate from poetic and dance art per se. In 3.700e–701a, for instance, the spectator appears among the vital participants—if not *the* most important participant—in theatrical performance.

The kinds of performances on which we concentrate and that Plato theorizes in the *Laws* often depend on the successful coordination of numerous constitutive elements, of which some are internal to the genre performed, others embedded within the community that stages the performance. On the one hand, the performance of a single, socially prominent genre—for example, of tragedy—involves the coordination of numerous interlocking micro-performances. As Turner observes:

> . . . rituals, dramas, and other performative genres are often orchestrations of media, not expressions in a single medium. . . . The master-of-ceremonies, priest, producer, or director creates art from an ensemble of media and codes, just as a conductor in the single genre of classical music blends and opposes the sounds of different instruments to produce an often unrepeatable effect. It is worth pointing out, too, that it is not . . . a matter of emitting the *same* message in different media

> and codes, the better to underline it by redundancy. The "same" message in different media is really a set of subtly variant messages, each medium contributing its own generic message to the message conveyed through it.[18]

The principal media with which Plato is concerned in the *Laws* are lexical (the word, written and mimetically enacted), musical (the harmonies, rhythms, and modes, each associated with conventionalized meanings), somatic (the body in dance), and visual (*opsis*). For Plato, such media comprise the most effective channels through which values are formed, beliefs inculcated, and ethical habits instilled.

If a particular performance may be thought of as comprising numerous media and 'codes,' it is also the case, on the other hand, that performance is implicated within and inseparable from the larger, historically particular community that makes the performance possible. Viewed on a macroscopic level, a single performance occasion appears as an assemblage of discrete, contextually specific, and interwoven media and genres of micro-performance. The production of a tragic festival, for instance, involves performances of sacrifice, procession, prayer, choragic sponsorship, spectatorship, judgment, and subsequent commemoration that accompany the performance of a text and transform the recitation of a script by actors, choruses, and auletes into the performed genre of tragedy; and each element in the orchestration entails unique processes of production, modes of communication, and models of interpretation. Plato is acutely aware of the social 'externalities' that make performance possible, and his focusing on specific elements that comprise a single event may illuminate aspects of artistic production that were felt to be especially consequential or alarming in the fourth century. There are reasons, for instance, peculiar to the politics of fifth- and fourth-century Athenian democracy—with its ideological privileging of the viewer as the center of political power and arbiter of elite competition—for Plato's fixation on spectatorship and the audience; spectatorship itself, as we observed above, had become a socially and politically marked performance.

The social and often ritual contexts in which performance occurs may be interpreted, in Connor's words, "as part of the symbolic expression of civic concerns and as a difficult to read but ultimately eloquent text about the nature of civic life."[19] Performances that involve music, poetry, song, and dance may thus be understood as extensions of the social and political community of which they are part. By historicizing texts within the festivals, events,

and institutions for which they were composed and alongside the numerous micro-genres that comprise a particular performance occasion, we may interpret performance to illuminate the sociopolitical structures of the society in which performed art is shaped and that it reflects in turn. Indeed, Plato in the *Laws* shows recognition of the interpretability of performance as a text of civic life; the spectacle of the theater in 3.700e–701a offers, *inter alia*, a 'read' of Athenian culture, the city's development, and the fundamental values that obtain in its numerous civic and social contexts. As we shall observe especially in Chapters 2, 3, and 6, Plato offers his own vision of ideal performances—portrayals of collective rituals that involve the entirety of the Magnesian citizen community in the production of *mousikê*, and may be read as symbolic expressions of philosophical virtues. If political constitutions may be said to be virtuous—that is, if the properties of goodness may, as Plato believes, characterize the *polis* so that its governmental institutions participate (*metekhein*) in virtues—the same, the *Laws* argues, may be said of its ritual and musical institutions. Wisdom, justice, temperance, and bravery, Plato argues, inhere not just in the souls of the performers and the 'content' or 'message' communicated by the lyrics and dance forms enacted, but also in the social relationships among performers and audiences. Connor reads rituals for what they reveal about civic life; Plato reads performance for what it reveals about the state of virtue in (the souls of)ß the performing community.

Performance therefore reflects civic life, but it also introduces degrees of distortion. In the same volume as Connor's essay, Goldhill observes that "[r]ather than simply reflecting the cultural values of a fifth-century audience . . . [and] rather than offering simple didactic messages from the city's poets to the citizens, tragedy seems deliberately to problematize, to make difficult the assumption of the values of the civic discourse."[20] There may often appear to be a generically programmatic discordancy between the ritual and political frame of a particular performance and the content of the words performed. As we shall observe in more detail in Chapters 3 and 4, the consonance and dissonance between religious or political contexts and performed utterance are a focus of theorization and legal regulation in the *Laws*.

That certain genres represent and misrepresent civic life and discourse is a reminder of Turner's observation that "cultural performances are not simple reflectors or expressions of culture or even of changing culture but may themselves be active agencies of change, representing the eye by which culture sees itself and the drawing board on which creative actors sketch out what they believe to be more apt or interesting 'designs for living.' "[21] For Turner, performance is a social process that is not reflective but *reflexive* in the grammatical

sense: "a condition in which a sociocultural group, or its most perceptive members acting representatively, turn, bend or reflect back upon themselves, upon the relations, actions, symbols, meanings, codes, roles, statuses, social structures, ethical and legal rules, and other sociocultural components which make up their public 'selves.'"[22] In making a display of the society in which it occurs, performance thereby creates for that society an image of itself—an image which, in turn, alters that society. The 'text' that one 'reads' while interpreting the media and genres that comprise a single performance occasion must be understood not as expressions, reflections, or representations, but as interventions in a society's history and culture.[23] (Perhaps the middle voice would have been a more appropriate grammatical analogy for the manner in which a society acts through performance upon itself and in its own interest).

Performance as extension, reflection, refraction, distortion, and intervention—such categories bring us closer to Plato's concerns. For the particular problem that I believe Plato to be addressing in 3.700e–701a and throughout the *Laws*' treatments of *mousikê* is the manner in which performance becomes *performative*. One of the principal contentions of this book is that by proposing an interpretation of the psychology of *mousikê* and of the role played by performance in the making of citizens, Plato develops an early theory of the performative properties of poetry, music, song, and dance. The text of 3.700e–701a reveals a recognition that Athenian genres, staged in the ritual context of the theater, are a kind of social action that has both illocutionary and perlocutionary force; theatrical performances are in themselves enactments of new social (and, Plato would argue, psychological) facts and have the secondary effect of producing subsequent social conditions that are neither poetic in nature nor restricted to the setting of the theater (e.g., the psychological states, dispositions, and beliefs that constitute democracy itself).[24] For Plato, what is being performed on the Athenian stage and in the theatrical audience—reflectively and reflexively—is the city itself; hence the title of the book and the subject of this section.

The language of performativity is, of course, calqued from speech act theory, in which performative utterances are "those uses of language, often involving some ritual aspect, which are themselves a kind of action and whose very utterance brings about some result."[25] Philosophers of language have often taken vocal utterance as paradigmatic of performativity per se, but it should be clear that our interests align more closely with subsequent work in anthropology, gender studies, literary criticism, and classics that has adopted and modified the interpretive categories of speech act theory to provide a terminology with which to analyze (and problematize) the ways that

semiotic systems (including language, but also extra-linguistic, conventionalized media, such as music and ritual gestures) enable performers to create new social facts (which may be linguistic, extra-linguistic, or both)—social facts that may include, for instance, the inheritance and construction of ethic, religious, cultural identity; gender and sexuality; and the spoken and written word.[26] For our purposes, the performative designates the property of mimetic art that enables performers to create new social facts; it may thus designate any act or series of acts that, when conducted through conventionalized means, according to conventionally recognized procedures, allows new social facts to be created or renewed.[27] In this configuration, the performative need not be vocal—bodily gestures and ritual attire, for example, especially in religious and political contexts, have semiotic properties and may function as performatives. Certainly, there is always a risk of complete misinterpretation when one approaches an ancient author with such explicitly modern concepts. Greek has no vocabulary exactly correlated to such ideas as 'performance' and 'performativity,' and the language available to Plato—*agôn, heortai, synousia, syssitia, symposia*—often stress the practices and institutions in which performance occurs and becomes performative. Moreover, Plato's account of the performative properties of *mousikê* is couched in metaphors not of speech (illocution, perlocution, utterance, etc.) but of the soul (*psychê*) as a 'puppet' or 'plaything' (*paignion*) pulled by the cord (*agôgê*) of pleasure (*hêdonê*), pain (*lupê*), love (*philia*), fear (*phobos*)—the latter two being beliefs (*doxai*) that attend pleasure and pain—and calculation (*logismos*).[28] Such historically, linguistically, and textually specific concepts must form the basis for any analysis of the *Laws*; but we may nevertheless detect certain principles in Plato's account of performance that may be used to reconstruct an ancient theory of the performative properties of poetry, music, song, and dance based on Plato's arguments and language. If the claim at 3.700e–701a is that Athenian democracy is a transposition of theatrical norms, beliefs, and values into politics, Plato is thereby making sense of the perception that the reading of a poetic text or script in the theater, the singing of a melody, and movement in conformity to choreography represent and effect something more than the performance itself. For Plato, theatrical performance has performative efficacy; the new social fact being created in the theater are the democratic citizens and the democratic *polis*.

In this respect, it is instructive to recall that it was customary among ancient philosophers to classify the models of politics to which the *Laws* responds most directly—democracy, aristocracy, oligarchy, tyranny—according to the degrees of participation expected of citizens in public life. The most well-known statement of this ancient mode of classification appears, of course,

in Aristotle's definition of citizenship as the actualization of ethical, intellectual, and political capacities in the *polis* by "taking turns ruling and being ruled" (μεταβάλλει τὸ ἄρχον καὶ τὸ ἀρχόμενον, *Pol.* 1259b5).[29] Aristotle's *Politics* is near contemporaneous with and responds to the *Laws*; its definition of citizenship offers a more vigorous and systematic interpretation of Plato's characterization of the citizen (*politês*) as one who "knows how to rule and be ruled with justice" (ἄρχειν τε καὶ ἄρχεσθαι ἐπιστάμενον μετὰ δίκης, 1.643e6). That Plato and Aristotle present the clearest formulations of citizenship as a performance ought not to suggest that their views are at all anomalous, especially philosophical, or late in classical Athenian intellectual history. Speaking to a different social milieu, Thucydides' Pericles makes the performative nature of Athenian citizenship—the expectation that every citizen, regardless of class, wealth, and lineage, must be versed and involved in *ta politika*—a decisive feature of democracy, one that differentiates Athens favorably against Sparta's oligarchic regime (Thuc. 2.40.1–3). As Farenga has argued, ancient Greek society defined citizenship as a performance and in performative terms; several privileges to which male citizens were entitled—the right and obligation to serve in the military, to address an assembly, to prosecute political rivals, and to participate in cults, festivals, and worship—may be understood as having dual valence: as entitlements that were granted and vouchsafed by dint of one's inherited legal status, and as a 'script' whose performance actualizes that status.[30] The performance of the 'script' of citizenship, moreover, began long before official membership within the *polis* had been conferred. The ritualized processes by which Athenians attained citizenship—for example, presentation of the ephebe for registration at his father's deme and the swearing of the ephebe's oath—are performative in nature, speech acts, the utterance of which confirmed a social identity and reaffirmed the notional existence of the political community in which that identity had valence.[31] In this sense, the *polis* may be understood as a discursively constructed social reality constituted in performative speech; and the theater is but one node within a more expansive network of performative practices that were thought to define Athenian citizenship.

If the *Laws* is responsive to a model of political praxis in which citizenship was understood as inhering in performative acts, it also participates in what Ober has characterized as a tradition of political dissent, a loosely defined movement among the Athenian intelligentsia to provide convincing grounds for "resistance to a democratic regime of social power and public discourse."[32] The appearance and consolidation of democracy in the late sixth and early fifth centuries, Ober argues, "exposed the possibility of

a human condition (freedom for the many) so profoundly desirable that it threatened to overwhelm all competing values."[33] In response to the failure of the oligarchic governments of late fifth century and the success (or, at least, the desirability) of Athenian liberty (*eleutheria*), elite critics of popular rule developed philosophical alternatives to democratic knowledge and practice.[34]

In no small part owing to the prominence of oratorical performance as the principal means of acquiring social and political prestige in democratic institutions, the performative properties of democratic citizenship recur as a central foci of criticism in Athenian literature of dissent. According to Ober:

> Those in power will typically seek to create and maintain a stable context in which rhetorical statements by those designated as appropriate speakers will act in predictable ways. And they may go one step further in suggesting that the prevailing dispensation is in some strong sense "natural" or even "inevitable." Theorizing the relationship between context and felicitous speech (i.e., discussing and analyzing the relationship critically) points to the historical specificity and contingency of every context—including the discursive context in which the critical utterance or text is produced. Demonstrating that discursive context is a contingent artifact of specific historical and social conditions in turn opens up the imaginative possibility of major revisions in the social conditions governing performative speech. And this means that under imaginable conditions, speech acts that are currently felicitous could be rendered infelicitous (and vice versa). It becomes possible to imagine conditions in which those whose speech currently has no political valence could do politically important things with words.[35]

One of the reasons for the persistent effort on the part of dissenting elite authors such as the Old Oligarch, Antiphon, Plato, and Aristotle to re-describe democratic conventions as *nomos* in contradistinction to *phusis* and to posit naturalistic arguments for their own unconventional views is that the latter lacked currency in democratic institutions. By exposing as artificial, unnatural, and ethically deficient the social contexts in which rhetorical speech becomes politically efficacious, fourth-century philosophy seeks to denaturalize Athenian convention. Once the Athenian "democratic regime of social power and public discourse" is shown to be the outcome of arbitrary historical processes—and, as Plato would have it, such debased psychological propensities as rampant *hêdonê* and *paranomia*—philosophy may propose

'natural' alternatives to the models of performative speech that are produced by and productive of Athenian democracy. As Ober proceeds to demonstrate, rethinking the discursive contexts in which performative utterances occur and are felicitous—as Socrates does in the *Gorgias, Republic, Phaedrus*, and *Statesman*—enables Plato to provide alternatives to democratic *eleutheria*.

Ober's study of Plato as a political dissenter focuses principally on explicit and direct criticisms and theorization of rhetoric and oratory. Yet, recent studies have suggested that the early and middle period dialogues in particular also betray a preoccupation with, and propensity implicitly to subvert, the social conditions governing performative speech that obtain outside political institutions. Farenga, for instance, suggests that a central feature in Plato's Socratic persona—in the courtroom, agora, symposium, battlefield, and prison—is a performative 'strangeness,' an idiosyncratic enactment of the self that transgresses, and thereby exposes to interrogation and revision, the performative dimensions of Athenian citizenship.[36] In a similar vein, von Reden and Goldhill have argued that problematizing the norms of democratic performativity is a genre-defining feature of the Platonic dialogue.[37] Through carefully coordinated, extra-dialogic cues (e.g., Socrates' commentary on his psychological and physiological reaction to the erotic bodies of youthful spectators, as well as the strategically timed appearances and impassioned responses of his interlocutors), the philosophical dialogue encourages its numerous presupposed audiences (the interlocutors, the narrators who frame the dialogue, and the fourth-century readership) to reflect critically upon the roles, duties, pleasures, and anxieties underlying the experience of reading, spectating as a member of an audience, and participating in philosophical conversation. Drawing the audiences' attention to their complicity as spectators of performance lays bare and disrupts the social conditions governing performative speech. Just as Socrates' strangeness as an unconventional performer of citizenship makes mockery and underscores the artificiality of the democratic regime of truth, the play of the dialogic form foregrounds the possibility, even the desirability, of escaping the constraints of Athenian performative conventions. The centrality of performative practices in the democratic *polis* is thus an object of direct analysis in the Platonic dialogues, and, on another level, it is also subject to implicit scrutiny in the form of the dialogue and its focalizing character, Socrates.

Such explorations of the performative in the Platonic dialogue run aground, however, of the *Laws*—and not only because Socrates has been replaced by speakers who lack his performative luster (the literalist and inveterately uninformed Megillos and Kleinias do not hold a candle to a debauched

Alcibiades and lascivious Aristophanes) or because the text's colossal size and labyrinthine structure present often insurmountable interpretive hurdles. Difficulties emerge from the type of cultural and political revision Plato's final work undertakes. For reasons outlined in the Introduction, the *Laws* bears many of the conventional traits of Athenian literature of dissent: it envisages a polity in which citizens may be considered free (*eleutheroi*) and may participate in consensual self-governance; but the constitution it proposes remains programmatically undemocratic and hierarchically ordered, allotting office according to the principle of 'political justice'—that is, the distribution of authority according to wisdom, education, and virtue. It is thus surprising that more has not been made of the *Laws* in studies of political dissent in democratic Athens.[38] The omission is perhaps attributable to the fact that little if any license is granted in Magnesia to the most recognizable contexts for the genres of performative speech whose utterance confirmed citizen status in democratic Athens. There are no orators in Plato's second-best city; and, as Nightingale has argued, in Magnesia the law code and the preludes to the laws assume (or subsume) the position that oratory occupied in classical Athens as the authoritative genre of performative speech.[39] It is significant in this respect that Magnesia's law code is neither a product of collective deliberation nor subject to substantive revision; the *Laws* would effectively limit the performative possibilities of citizenship to genres that may be altered only under exceedingly restricted conditions.[40] The same, of course, cannot be said of the symposium, the dramatic setting for many of the early and middle dialogues that Farenga, von Reden, and Goldhill argue play against democratic performative norms; social drinking and rituals of conviviality occupy a prominent position in Magnesia's ideal city. Yet, as Belfiore has shown, sympotic customs undergo substantive revision in the *Laws* and are transformed into scenarios for the performance of philosophical virtue.[41] On the one hand, then, if a common feature of Athenian literature of dissent is a problematizing of the social conditions governing performative speech, the *Laws*' solution is either to ablate or to regulate the institutions associated with the performance of Athenian citizenship.

On the other hand, however, it is my contention that Plato's principal engagement with the performative dimensions of citizenship in the *Laws* occurs in the context of music, poetry, song, and dance. As we observed in the Introduction, ancient Greek politics is coeval with and articulated in poetic discourse; values that underpin civic identity and status are examined and re-enacted on the stage; and, as 3.700e–701a suggests, the social conditions governing performative speech were thought to obtain as much in the

theater as in the official organs of government. Kowalzig has argued that choral performance persists in archaic and classical Greece as "the nub of negotiation over social and power relations between ritual participants."[42] At the center of the negotiation is the perceived role of chorality in socializing participants, effectuating changes of status, and legitimating political hierarchies. Kowalzig's concerns pertain to archaic and classical choral ritual, and the negotiation she traces is located within the history of the ritual itself; but her claims regarding poetic and choral performance hold for philosophical discourse *about* poetry, music, song, and dance as well. Precisely because of its function in defining Athenian citizenship, the performance of *mousikê* is a site of contestation in democratic Athens; and it is on this debate—on the role of poetic and choral performance in creating symbolic (and, Plato would argue, psychological) expressions of civic concerns and serving as a field in which (democratic) citizenship is performed—that Plato focuses in the *Laws*. If earlier dialogues unveil, satirize, and envision alternatives to the performative tropes of Athenian rhetoric, oratory, and sympotic culture, what the *Laws* offers instead is a thoroughgoing critique of a society in which to participate in *mousikê*—to spectate, judge, sing, and dance—is to be constituted as a member of the politically relevant community, and in which to be excluded from such activities is to be alienated from that community. For it must be recalled that, as Reed observes, "[i]dentity implies a shared viewpoint that discloses certain contrasts and boundaries"[43]—or to put it otherwise, membership within the *polis* only has meaning when viewed against the oppositional statuses of which citizenship is the negation: child versus adult, young and old, free and slave, male against female. The "imaginative possibility of major revisions in the social conditions governing performative speech" being opened up in 3.700e–701a's critique of Athenian *eleutheria* and throughout the *Laws*' discussion of *mousikê* are forms of performative discourse that obtain in the theater and emanate thence into politics. My contention is that music, poetry, song, and dance become the locus within which Plato envisions the conditions for a society in which philosophically informed values that lack currency in democratic Athens—for example, truth, harmonic correctness, and the primacy of virtue over pleasure—might form the ethical bases for politically relevant performative acts in *mousikê*. The *Laws* thus shows Plato extending the tradition of political dissent and its problematizing of the politics of performativity into the domain of the arts of the Muses.

To be clear, extension entails substantive alteration. The movement from *rhetorikê* to *mousikê* as the object of critique leads Plato to develop a distinct theoretical apparatus to conceptualize the media, social contexts, psychology,

and principles of the performance of citizenship within the unique civic spaces devoted to and defined by mimetic art. *Mousikê* comprehends aspects of life in the *polis* that are to be differentiated from the institutions associated with oratory, its occasions transcending what Geertz describes as the efficient parts of government.[44] However political the theater may have been and however theatrical (if not histrionic) ancient politics may at times appear, the distinction between the institutions of governance, law, and oratory, on the one hand, and those of poetic and dance performance, on the other, remains a salient one in classical Athens and in the *Laws*—though Plato's weakening of that distinction, programmatically encoded in the polyvalent term *nomos* (law and musical genre) is a recurring leitmotif in this and later chapters.

There are, of course, precedents in the Platonic corpus for the revisionist project undertaken vis-à-vis *mousikê* in the *Laws*. Behind much of what the *Laws* has to say about the social function of performance stand, for instance, the criticisms of poetic inspiration in the *Ion* and mimetic art in *Republic* 2–3 and 10 as a representational medium appealing especially to the soul's non-rational elements and at varying degrees of proximity to the truth. As we discuss in the Introduction, the *Laws* directs readers to arguments presented elsewhere in Plato's oeuvre for the proposals it makes. In the final section of this chapter, we shall have the opportunity to consider one such reworking of Plato's earlier philosophical theories within the context of the *Laws*: the use of 'Egyptian' writing and inscription to stabilize and render imperishable normative forms of vocal and somatic performance, an adaptation of the criticisms of the written word in the *Phaedrus*. Here we note that the *Laws* represents its ambitions and methodological approach to the making of an ideal city as marking numerous departures—both philosophical and practical—from earlier dialogues. One such departure is the *Laws*' scope of application. Plato's focus in the *Laws* is not restricted to a single genre or subset of genres; nor is it limited to the psychological effects, political consequences, and ontological status of mimetic media; and it does not seek merely to correct the sophistic and often relativistic habits of poetic interpretation that appear to have prevailed in elite symposia. These are the concerns of the *Ion, Gorgias, Republic*, and *Protagoras*. What the *Laws* proposes instead is a summation of Plato's earlier treatment of representational arts applied to a vaster array of performed media, a synthetic critique of mimesis in its rich generic diversity, performative actualization, and formal evolution under the influence of the New Music. In the *Laws,* Plato addresses himself to the cumulative, orchestrated effects of all genres, institutions, and scenarios of performance available within a society's synchronic and diachronic history. Plato's panoptic,

exhaustive treatment of ancient performance cultures also raises questions that are unaddressed in earlier dialogues. Distinctions obtain between the performance cultures of different cities, regions, and civilizations, as well as within a city's performance culture over time. The experience of a single performance and performance culture changes profoundly in the course of one's life and depending on the subjective position of the participant. For a young *khoreutês*, choral performance may constitute a process of socialization—a psychologically formative rehearsal of the values that are held by a society to be required for manhood and for the responsibilities of citizenship—whereas the relationship of the elder spectator to the same performance may be characterized as what Murnaghan has called "choral nostalgia," a longing on the part of the bystander to resume a social identity recollected in the act of viewing.[45] The *Laws* shows Plato relying on and adapting arguments from earlier dialogues to account for both the multiplicity of genres operating within a society and among societies, and the graduated, ingressive manner in which that performance culture is experienced by, and shapes the psychology of, performers and spectators. It proposes, in short, a unified, normative theory of how genres relate to one another and form a system of socially and politically relevant performative scenarios—a theory that, again, begins with an account of the soul as the basis of normative passions and ethical action.

Another point of departure from the earlier dialogues has to do with Plato's mode of criticism. Recall that the *Laws* supplies a law code for a second-best city, one that aspires to the idealist Kallipolis of the *Republic*, but compromises on those ideals by retaining contemporary institutions and practices—for example, the private family, property, and a mixed constitution in place of philosophical monarchy. To render ancient practices amenable to the making of a semi-ideal city, Plato develops a novel, 'correct method' (*orthê methodos*) of cultural criticism, a hermeneutical model that seeks to discover within institutions uses to which they might not have otherwise been applied. Plato reprobates Athenian genres of performance, but the shift in his strategy of critique—an application of the *orthê methodos* to the arts of the Muses—makes it possible to envisage a society in which Athenian music, poetry, song, and dance play a central role in the making of a philosophical life.

In this respect, Plato's treatment of *mousikê* in the *Laws* marks a turning point in the philosophical tradition, a juncture at which philosophy begins to articulate conditions under which it is possible to live virtuously and philosophically within the constraints of the ancient *polis*, its political and social institutions. We find in Plato's Magnesia a reorientation of the basic agenda of political dissent from a posture of critique to a

project of rehabilitation—in this sense the *Laws* anticipates Aristotle's and the Peripatetic compatibilist philosophical perspective vis-à-vis Athenian political and social practices.[46] If, as Ober, von Reden and Goldhill, and Farenga argue, earlier dialogues denaturalize the norms, conventions, and institutions of Athenian politics to enable the revision of the social conditions of performative discourse, the *Laws* finds within those very norms, conventions, and institutions the performative resources to achieve an ideal political community. The performative dimensions of citizenship and the power of *mousikê* to affect the soul and the city are not treated exclusively, or even primarily, as targets of censorship, parody, and dissent. They are rather the instruments from which the second-best city is made. Theories leveled against irrational poetic inspiration, mimesis, literary criticism, and writing in earlier dialogues reappear in the *Laws*, and, anchored to a novel moral psychology, supply the philosophical framework for rehabilitating Athenian performance culture. Not least among the *Laws*' many paradoxes is that, while there are no philosopher kings or queens in Magnesia, it is through the performance of Athenian poetry, music, song, and dance that Plato envisions philosophy entering the city, gradually reacting back on the modes of thought of the people, and acting even on the fundamentals of government, so that men and women might become ever more capable of living free and virtuous.

Before addressing performance, its origins, political ramifications, and normative application in the *Laws*, we must come to terms with the fundamental nature of the performer; and, for Plato, performance begins from the soul, that part of the human animal capable of perceiving order in harmony and rhythm and of evincing order in itself and the body to which it is attached. Sections 1.3 and 1.4, therefore, provide an outline of the *Laws*' moral psychology and the place of pleasure and pain in determining ethical habits. Section 1.3 begins from Plato's analogy of the soul as a divine puppet, an analogy foregrounding the tension between reason and the sensations of pleasure and pain in moral deliberation. Section 1.4 focuses on education and virtue, and it differentiates the moral psychology of the *Laws* from that of the *Republic* and *Phaedrus*. Together, the latter two sections show that in the *Laws*' psychology aesthetic pleasure is not only formative of ethical habits but also an indispensable part of virtue. Section 1.5 maps the psychology explored in Sections 1.3 and 1.4 onto the experience of performance; it also considers how the *Laws* account of the soul in performance undergirds Plato's conception of political history. Plato's treatment of how performance *does* shape the soul is often couched within arguments concerning how it *ought* to shape the soul.

Section 1.6 therefore turns from descriptive to prescriptive treatments of the soul in performance, focusing on proposals to domesticate performative art and to utilize nominally Egyptian technologies to fashion a philosophically informed performance culture.

1.3 Of Puppets and Passions: The Moral Psychology of Performance in Plato's Laws

The *Laws*' account of performance emerges from a discussion of the place of education in the making of citizens. Kleinias has argued that Spartan and Cretan laws and institutions are designed with a single end in mind: victory in battle (1.624a–626b). The Athenian Stranger has responded with a critique of the assumption implicit in Doric institutions that all persons are in a permanent state of war against all others (1.626b–d). He has shown, moreover, that the greatest battle is an internal struggle for victory over one's own desires and passions (1.626e–627a), that Doric institutions are not only useless but also deleterious amid civil strife (1.627a–63b), and that the primary aim of civic institutions is not war but peace (1.630b–d). The Athenian Stranger has further insisted that legislation should aim at complete virtue (1.630e–632c) and has made the counterintuitive claim that drinking parties provide an education in temperance (1.632e–641b). In response to Kleinias's skepticism—a response that foreshadows the inquiry into choral performance in Book II—the Athenian Stranger concedes that the value of a single educated person or 'chorus' (χοροῦ, 1.641b3) is minimal, but the benefits of an entire population that has been educated in sympotic institutions are far greater than those of war. Educated persons become good men, act nobly in other respects, and, in turn, win victories in battle; and education itself is of greater benefit than victory, since conquest in war often leads to insolence and the decline of a people's moral character (1.641b–c).

To demonstrate that sympotic activities provide superior preparation for citizenship, the Athenian Stranger must posit an initial definition of education, and it is in this context that the propaedeutic possibilities of performance are first introduced. On its simplest level, *paideia* is childhood practice in the activities in which one will be occupied as an adult. Therefore, the Athenian Stranger argues:

> The attempt should be made to use games (τῶν παιδιῶν) to direct the pleasures and desires (τρέπειν τὰς ἡδονὰς καὶ ἐπιθυμίας) of children

> toward those activities in which they must become perfect (τέλος ἔχειν). The core of education (κεφάλαιον), we say, is correct nurture (ὀρθὴν τροφήν), one which, as much as possible leads (ἄξει) the soul of the child at play (τοῦ παίζοντος τὴν ψυχήν) toward an erotic attachment (ἔρωτα) to what he must do when he becomes a man who is perfect as regards the virtue of his occupation (τέλειον εἶναι τῆς τοῦ πράγματος ἀρετῆς). (1.643c6–d2).

Education, which consists of playing games (παιδιῶν, παίζοντος), leads (ἄξει) the child's pleasures and desires (τὰς ἡδονὰς καὶ ἐπιθυμίας) to develop in the soul an erotic affinity (ἔρωτα) for the professions that he or she is expected to have perfected as an adult. *Paideia* therefore applies to any occupation requiring lifelong apprenticeship and training—money-making, for instance, or carpentry. But the type of education with which Plato is concerned, as he argues in a passage discussed in the Introduction, prepares for the virtues of citizenship. That passage is presented here with more complete contextualization:

> When we at present blame or praise the upbringing of different persons, we say that one of us is 'educated' (πεπαιδευμένον) and another is 'uneducated' (ἀπαίδευτον), sometimes applying the latter characterization to human beings who are very well educated in trade or merchant shipping or some other such things. So it is appropriate that in our present discussion we do not consider these sorts of training to be education; we mean rather the education from childhood in virtue (τὴν δὲ πρὸς ἀρετὴν ἐκ παίδων παιδείαν), that makes one desire and love to become a perfect citizen (ποιοῦσαν ἐπιθυμητήν τε καὶ ἐραστὴν τοῦ πολίτην γενέσθαι τέλεον) who knows how to rule and be ruled with justice (ἄρχειν τε καὶ ἄρχεσθαι ἐπιστάμενον μετὰ δίκης). It is this upbringing alone, it appears to me, that this discussion would wish to isolate and proclaim as education. As for an upbringing that aims at money, or some sort of strength, or some other sort of wisdom without mind and justice (πρὸς ἄλλην τινὰ σοφίαν ἄνευ νοῦ καὶ δίκης), the argument proclaims it to be vulgar and illiberal (βάναυσόν τ' εἶναι καὶ ἀνελεύθερον), and entirely unworthy to be called education. (1.643d7–644a5)

Plato's argumentative thrust gestures away from manual labor and practical trade skills to internal, psychological states, recasting the Solonic dictum that one must "rule having learned first to be ruled" (ἄρχε πρῶτον μαθὼν ἄρχεσθαι, Diog. Laert. I.60) in the terms of Platonic ethics. Education turns out to be

not a matter of professions but of virtue and the kinds of psychic dispositions that civic institutions produce. The virtues Plato calls attention to—justice (δίκης) and virtue (ἀρετήν) in its totality—are chosen for reasons that make sense within the immediate context of the conversation; the discussants have addressed the education required for citizenship, and the Athenian Stranger has just argued against Doric militaristic legal convention, insisting that the legislator must aim to cultivate complete virtue. But notice that Plato stresses both emotions and intelligence; education must produce a sentiment of desire (ἔρωτα, ἐπιθυμητήν, ἐραστήν) to have become a perfect citizen, as well as the conditions of knowledge, mind, and rationality (ἐπιστάμενον, νοῦ) required to do so. The erotic overtones should not be downplayed; Plato's model of education, as Larivée has argued, appropriates Doric commensal customs in which institutionalized pederasty was thought to be central to social cohesion.[47] The implication is that an education for citizenship—that is, an education that aims to produce virtue—is both a sensual and intellectual training, sculpting the emotions and the mind through imitative rehearsal. (We return to the mimetic dimensions of erotic and rational education for citizenship in the following section.)

The relationship between the emotional and knowing elements of the soul is further developed in an analogy of the psyche to a marvelous puppet suspended and drawn in opposite directions by conflicting impulses of pain and pleasure. The image, which is divided into two sections, triggers an extended digression spanning much of Books I (from 1.641b), II, and III on sympotic practices, rituals of conviviality, and theatrical festivals (*heortai*). Within the digression, Plato proposes some of the *Laws*' most memorable institutions—for example, drinking as preparation for temperance, 'Egyptian' inscription as a technology of cultural and musical regulation, and the Chorus of Dionysos. Flagged by the interlocutors as prolix and tangential, the digression has baffled many readers of the *Laws*, and some have deemed it out of place within the dialogue's broader political and legal themes.[48] Others have suggested that the sympotic and festival practices developed in the first two books play no role in the city designed in the following ten. Thus, Morrow claims of the Chorus of Dionysos that, "a definite organ of the state it cannot be"; it is instead a "symbol of the supervisory role of the elders."[49] In the same vein, Tecuşan, whose study of sympotic practices in the *Laws* remains among the most comprehensive treatments of the subject, exclaims, "What to my judgment is most surprising about the first two books is the fact that there is a total gap between these and the following ones: no place could be found in Plato's City for the *symposion* as it is described here." [50] Such difficulties,

however, are soluble once it is recognized that sympotic drinking and choral festival address a dimension of the human soul that is integral to the *Laws*' political project.[51] As Murray has recently argued, "the first two books of the *Laws* are not an irrelevant digression never referred to again in the work but a necessary preamble to the changed programme of legislation that is based on a reevaluation of the place of pleasure in human society."[52] Political and legal philosophy in the *Laws* rests—as it does in the *Republic*—on a theory of the soul; before Plato can treat of politics and law, he addresses the structure of the psyche and practices that educate the citizens' psychological constitution, particularly the role of pleasure in ethical decision-making.

The account of the soul in Book I divides into two sections, the first an abortive attempt to describe the psyche's motivational principles and a second image of the soul as puppet, introduced only after the interlocutors have failed to comprehend the implications of the first. We treat each section in turn:

ATH. A while ago, at least, we agreed that the good are those able to rule themselves (ἄρχειν αὑτῶν), and the bad are those who cannot.

KL. What you say is very correct.

ATH. Let us consider again in a clearer way what we mean by that. Allow me to clarify it for you, if I can, by means of an image (δι' εἰκόνος).

KL. Just speak on.

ATH. May we then assume that each of us is one person (ἕνα)?

KL. Yes.

ATH. But possessing within himself two opposed and irrational counselors (συμβούλω ἐναντίω τε καὶ ἄφρονε), which we call pleasure and pain (προσαγορεύομεν ἡδονὴν καὶ λύπην)?

KL. That is so.

ATH. Connected to these two [i.e., pleasure and pain] are opinions about the future (δόξας μελλόντων), common to both of which is the name expectation (ἐλπίς), but each of which also has its peculiar name: 'fear' (φόβος) is the expectation of pain, and 'confidence' (θάρρος) the expectation of the opposite. Over (*or* against, ἐπί) all of these there is calculation (λογισμός) as to which of them is better and which is worse—and when this calculation becomes the common opinion of the city (δόγμα πόλεως), it is called law (νόμος ἐπωνόμασται).

KL. I follow this only with great difficulty; but say what comes next as if I were following.

MEG. I am experiencing similar difficulties. (1.644b6–d6)

Note that the first version of the *eikôn* draws on a distinct metaphorical language; specifically, it offers a *dicastic* image of the individual as a singular unit (ἕνα), pulled in opposing directions under the advisement of competing counselors. It is dicastic in that the language of counselors (συμβούλω) and law (νόμος) connote official governmental institutions; and one may wonder whether δόγμα πόλεως means not beliefs held by the city but, more technically, 'public decree' or 'ordiance,' and whether προσαγορεύομεν retains its etymological connotation of speaking before an assembly.[53] In other words, the Athenian Stranger, although addressing Doric interlocutors, is speaking like an Athenian, deploying a vocabulary whose valence is consonant with Athenian juridical discourse and deliberative practices. The connotative subtext connects internal states—that is, the private, individual psychology of competing pleasures and pains, irrational counselors, and rational contemplation—to external states in an unbroken chain of continuity from the soul to the *nomoi* of the *polis*. In the *Laws*, too, the city is an image of the soul. Plato's point implicitly is to evoke and address the passional and rational bases of one domain of public life—*ta politika*: law, government, and political institutions—that involves (oratorical) performance.

It must be observed, moreover, that the configuration of the soul implicit in the dicastic image marks subtle but important departures from the basic configuration of the psyche in two of Plato's earlier dialogues—the *Republic* and *Phaedrus*. Like the soul in the *Republic*, which is hierarchically stacked and divided into three discrete elements—appetites, spirit, and reason, each with its distinctive motivational principles and directions—the soul in the first version of the *eikôn* in the *Laws* is also hierarchical, subordinated to a rational principle which supervenes over and adjudicates among non-rational elements, each with attendant beliefs regarding the future.[54] What has changed in the *Laws*, however, is that there is no spirited part of the soul.[55] Nor is there any implication that the (albeit irrational) sensations of pleasure and pain and their attendant beliefs must of necessity lead in wayward directions or conflict with calculation. Instead, the two irrational and oppositional sensations of pain and pleasure pull against each other. The basic elements of the soul in the *Laws* are thus reminiscent of the *Phaedrus*'s image of the psyche as a chariot, drawn by a white horse inspired by temperance (*sôphrosunê*) and love of honor (*philotimia*); a base, lustful black horse characterized as a companion (*hetairos*) of outrage (*hybris*) and false pretension (*alazoneia*); and a rational charioteer who attempts to direct the individual to the apprehension of the form of beauty (*Phaedr*. 246a–247d, 253c–256e). Yet, the soul in the *Laws* is also to be differentiated from the *Phaedrus*. Pleasure and pain in the

Laws, like the white and dark horses, are associated with attendant beliefs (δόξας μελλόντων) and are independently capable of generating thoughts, predictions, and value judgments (ἐλπίς) regarding future circumstances. Yet, pleasure and pain in themselves are neutral principles of response, evaluation, and attraction. The role of calculation is to arbitrate and determine which sense (and attendant belief) is correct or misleading in a particular context, and this implies that pleasure and pain may each pull the soul in wrong or the right direction. Pleasure, pain, confidence, and fear are clearly capable of being mistaken and of spawning erroneous expectations; but neither is a black horse that must always be restrained, nor, by the same token, a white horse instinctively inclined to obey the dictates of calculation. The passions in the *Laws* lack a predetermined ethical orientation; in other words, the objects of confidence and fear are not fixed. Moreover, as the second version of the *eikôn* suggests, senses and expectations of pleasure and pain are in principle malleable, subject to formation and reformation within specific civic and social institutions. When we turn in the next section to aesthetic training in choral dance, the plasticity of pleasure and pain, attraction and fear will be shown to be central to the socializing function of *mousikê*.

If in the first telling of the *eikôn* the calculating faculty occupies a superior position above or against the antithetical responses of pleasure and pain and the beliefs of confidence and fear, the soul in the second version is portrayed as a horizontal structure in which *logismos* is one among many competing impulses:

> Ath. Let us think about these things in this way: let us consider each of us living beings to be a divine puppet (θαῦμα . . . θεῖον), put together either for their play (παίγνιον) or for some serious purpose (σπουδῇ)—which, we do not know. What we do know is that these affections (τὰ πάθη) work within us like tendons or cords (νεῦρα ἢ σμήρινθοι), drawing us and pulling against one another toward opposing deeds (ἐναντίαι οὖσαι ἐπ' ἐναντίας πράξεις), struggling in the region where virtue and vice lie separated from one another (διωρισμένη ἀρετὴ καὶ κακία κεῖται). Now the argument asserts that each person should always follow one of the cords, never letting go of it and pulling with it against the others; this cord is the gold and sacred pull of calculation (τὴν τοῦ λογισμοῦ ἀγωγὴν χρυσῆν καὶ ἱεράν), and is called the common law of the city (τῆς πόλεως κοινὸν νόμον); the other cords are hard and iron (σκληρὰς καὶ σιδηρᾶς), while this one is soft, inasmuch as it is golden (μαλακὴν ἅτε

> χρυσῆν οὖσαν); the others resemble a multitude of different forms (παντοδαποῖς εἴδεσιν). It is necessary always to assist (συλλαμβάνειν) this most noble pull of law (τῇ καλλίστῃ ἀγωγῇ τῇ τοῦ νόμου) because calculation, while noble, is gentle rather than violent (πράου δὲ καὶ οὐ βιαίου), and its pull (ἀγωγήν) is in need of helpers (ὑπηρετῶν) so that the race of gold (τὸ χρυσοῦν γένος) might have victory (νικᾷ) over the other races (γένη).
>
> Thus, the myth of virtue (ὁ μῦθος ἀρετῆς), the myth about us being puppets would be preserved (σεσωμένος), and what was intended by the notion of being superior to oneself or inferior (τὸ κρείττω ἑαυτοῦ καὶ ἥττω εἶναι) would be somewhat clearer. Moreover, as regards a city and private individual (πόλιν καὶ ἰδιώτην), it will be clearer that the latter should acquire within himself a true rational account (λόγον ἀληθῆ) concerning these cords and live according to it, while a city should acquire for itself a rational account (λόγον) either from one of the gods or from one who knows these things, and then set up that account as the law (νόμον θεμένην) for itself and for its relations with other cities. (1.644d7–645b8)

Within its immediate context, the 'myth of virtue' (ὁ μῦθος ἀρετῆς) accounts for why some persons develop the ability to control their own passions—why, that is, some establish within themselves the conditions for the natural dominance of reason over the passions, while others allow the naturally subordinate sensations of pleasure and pain and their attendant expectations to determine moral evaluation.[56] Within the context of the dialogue as a whole, however, the image of the soul as a divine marionette provides the philosophical framework and moral psychology within which to understand the psyche and the role of sympotic and musical *paideusis* as preparation for citizenship. From it, Plato lays the groundwork for the project of rehabilitating and appropriating commensal and convivial rituals, and develops the argument that wine, customs of conviviality, and collective drinking must be institutionalized within the second-best city as allopathic medications, purgatives that cleanse the soul of inappropriate emotions.[57] Sympotic institutions will thereby cultivate the proper shame (*aidôs*) and fear (*phobos*) of unruly pleasures, the regulatory *doxai* that serve as the habitual bases for the virtue of *sôphrosynê*. Only once the social institutions that educate the passions have been established does Plato outline the shape of the political institutions that govern the second-best city.

Because the second version of the *eikôn* emerges from the interlocutors' inability to follow the first, it is perhaps reasonable assume that it simply offers

a clearer restatement of the division of the soul's constitutive elements, but like many of Plato's explanatory analogies, it reinterprets the averred explanandum. One of the conclusions to be drawn from the first description of the soul is that the psyche comprises three basic types of elements: non-rational sensations, attendant beliefs and expectations, and rational calculation. In the first version, Plato discusses pleasure and pain in the dual (συμβούλω ἐναντίω τε καὶ ἄφρονε). Yet, dualistic partitioning is reimagined in the second to offer a lateral likeness of the soul, consisting of plural, polymorphic affections (τὰ πάθη, παντοδαποῖς εἴδεσιν), which, as motivational principles, draw the individual toward opposite actions (ἐναντίας πράξεις) and struggle in a realm that is defined by virtue (ἀρετή) and vice (κακία). In the first version of the *eikôn*, calculation's distinctive qualities are its connection to law, evaluative function, and position above (ἐπί) pleasure, confidence, and the rest. Calculation, in the second, remains singular and retains its connection to law; once again a parallelism is drawn between self-knowledge and legislation: the individual should acquire a true, rational account (λόγον ἀληθῆ) of the structure of his or her soul and its motivations; and the city ought to derive reason (λόγον) from a divine source or knowing individual, establish it as law (νόμον θεμένην), and conduct its internal and international affairs accordingly. But now calculation inhabits the same realm as pleasure and pain; it is one among the many cords or tendons (νεῦρα ἢ σμήρινθοι) drawing the soul in opposing directions. The parts of the soul are thus less hierarchically ordered and none alone determines the individual's actions. Indeed, as more durable and compelling psychic cords, pleasure and pain have a disproportionate pull on the soul. Calculation, by contrast, is the softest, most supple contestant in a battle for authority over the psyche; its superiority is not presupposed, and it is said to be in need of assistance (συλλαμβάνειν, ὑπηρετῶν).

This is not to suggest that the two accounts contradict each other; there is less divergence between them than, for instance, among the *Republic*'s Analogies of the Sun, the Divided Line, and the Cave, each purporting to represent the same phenomenon—knowledge of the Form of the Good—but elucidating distinct qualities thereof. Rather, the image of the soul as a puppet recasts the psyche as a more intricate and troubled phenomenon—a phenomenon that is inherently *pantodapos*. It is, like many images in Plato's works, polysemous, drawing together emic and etic threads that recur throughout the dialogue while touching on just as many facets of Greek culture and literature. The second version of the *eikôn*, for instance, introduces another domain of public performance, a domain that is specifically musical, poetic, and choreographic. The language Plato employs to characterize the golden

and sacred draw (ἀγωγήν) of calculation gestures punningly to the Spartan educational system, the *agôgê*, an acknowledgment of both the Spartan and Cretan interlocutors and Plato's Laconizing readership, as well as of the prominent position of choral education in Doric *poleis*. *Agôgê*, moreover, is Plato's quasi-technical term for the tempo or sequence of a melody (cf. *Resp*. 3.400c1), and later references to puppets and puppet shows in the *Laws* also appear in discussions of *mousikê* (2.658b–c, 7.803c).[58] Herodotus (2.48) associates Dionysiac marionettes with Egyptian choral ritual; and as Kurke and Power have separately argued, Plato's figuration of the soul as a *paignion* taps into an older, archaic imaginary in which the chorus is conceptualized as an assemblage of dancing *agalmata*, wondrous statues animated by divine presence.[59] Plato has thus made a transition in the two versions of the *eikôn* of the soul from an Athenian to a Doric metaphorical substrate, from a dicastic register to a discourse of *mousikê*.

One of the *Laws*' distinctive attributes is its presupposing and repackaging arguments and images from earlier dialogues—inviting the reader to approach the text with an interpretative framework informed by earlier works in the Platonic corpus.[60] The *mythos* of *aretê* provides one such instance; for it offers a reading of (Hesiod in) Plato's earlier works. The claim that a Hesiodic 'race of gold' (τὸ χρυσοῦν γένος) is to be victorious over the other metallic 'races' (γένη) alludes beyond the immediate dialogic context and its cultural concerns to the *Republic*'s Noble Lie—a myth of autochthony according to which citizens of Kallipolis will be persuaded to believe that they are offspring of the earth and therefore brothers; that the god who created them intermingled gold into the souls of those who are meant to rule; and that the rest will be made of silver (who will be auxiliaries) or iron and bronze (producers).[61] In both texts Plato invokes Hesiodic imagery to posit an equivalency among psychic self-mastery, appropriate political hierarchy, and the rational governance of the *kosmos* as complementary manifestations of the workings of reason.[62] The Noble Lie and the *eikôn* of soul as puppet thus operate simultaneously as political and psychological metaphors, linking external, legal structures to internal psychic states. In the *Republic*, the Noble Lie provides a mythological rationalization for hierarchy and the just subordination of producer and auxiliary classes to philosopher guardians; it also points to justice as it is manifested internally within the psyche and achieved through the submission of epithumetic and thumoeidetic parts of the soul to reason. Similarly in the *Laws*, the myth of virtue asserts an analogy between the city and the soul, according to which the orderly *polis* obeys the dictates of law just as the virtuous psyche

follows the draw of calculation. In each domain over which it presides, reason seeks to impose order; as calculation, it judges and governs the passions of individuals; as law, it brings order to the collective activity of multiple rational agents; and, as Bobonich observes, "divine reason [serves] as the cause of order in the world."[63] Cities, peoples, and the constitutive elements of souls may be partitioned into a golden race that hews to the pull of calculation in law and in contradistinction to semiprecious races whose motivations are determined by pleasure, pain, and their allied convictions. Souls and *poleis*, in turn, may be ordered so that inner psychic states and social relations accord with the divine structure of the cosmos. Yet, if the image of the soul as puppet offers a condensation of the *Republic*'s Noble Lie, it also underscores programmatic departures. The ideal psychic constitution remains, as in the *Republic*, the rule of a rational element over the emotions, a condition the Athenian Stranger labels 'self-mastery,' but law, in this configuration, subsumes the role of the *Republic*'s philosopher kings.[64] The whole of the *Laws*' legislative and musical program—its project of rethinking and adapting Platonic philosophy to reimagine ancient social and political, Doric and Athenian, and legal and poetic institutions in a second-best city and in consonance with the universal rationality of the cosmos—is anticipated in the myth of virtue.

1.4 *The Consonant Soul: Virtue and Education in Plato's* Laws

The configuration of the soul as a field in which pain, pleasure, fear, attraction, and calculation vie for primacy and ultimately determine ethical action supplies Plato with a vocabulary to make sense of the social and political institutions from which the second-best city is composed; and in the next section we turn to institutions of performance as a way of influencing the struggle within the soul. In this section we examine the manner in which the image of the soul as a lateral, internally divided unity drawn by competing strings undergirds Plato's account of education and virtue. Pleasure and pain, Plato claims, are the first sensations that develop in children, pre-rational passions that serve as a precondition for the cultivation of virtue:

> Well, I say that in children the first infantile sensation (παιδικὴν . . . πρώτην αἴσθησιν) is pleasure and pain (ἡδονὴν καὶ λύπην), and that it is in these that virtue (ἀρετή) and vice (κακία) first come into

> being in the soul; as for wisdom (φρόνησιν), and true opinions that are firmly held (ἀληθεῖς δόξας βεβαίους), he is a fortunate person to whom it comes even in old age. He who does possess them, and all the good things that go with them, is a perfect human being. Education, I say, is the virtue (ἀρετήν) that first comes into being in children. Pleasure and attraction (ἡδονὴ δὴ καὶ φιλία), pain and hatred (λύπη καὶ μῖσος), become correctly arranged in the souls (ὀρθῶς ἐν ψυχαῖς ἐγγίγνωνται) of those who are not yet able to acquire a rational account (λόγῳ λαμβάνειν), and then, after the soul acquires a rational account (λαβόντων δὲ τὸν λόγον), these passions can in consonance with reason affirm that they have been correctly habituated in the appropriate habits (συμφωνήσωσι-τῷ λόγῳ ὀρθῶς εἰθίσθαι ὑπὸ τῶν προσηκόντων ἐθῶν). This consonance (συμφωνία) in its entirety is virtue (σύμπασα . . . ἀρετή); that part of virtue which consists in being correctly trained as regards pleasures and pains so as to hate what one should hate from the very beginning to the very end, and also to love what one should love—if you separate this off in speech and assert that this is education (παιδείαν), you will, in my view, be making a correct assertion. (2.653a5–c4)[65]

Two notions of virtue are operative in this passage. The first is a childhood virtue that consists in the correct habituation of the non-rational sensation or perception (αἴσθησιν) of pleasure and pain. Somewhat confusingly, Plato in the final sentence of this passage redescribes such childhood virtue as education (*paideia*). It is a sort of virtue in that the most one may reasonably hope for in children and those whose reasoning apparatus remains underdeveloped is that the soul will acquire a disposition to experience appropriate pleasure, pain, love, and hatred in response to the right kinds of objects. Aesthetic apprehension thus lies at the core of Plato's notion of virtue in the first sense; for the pleasure, pain, attraction, and revulsion that govern ethical choices are understood as aesthetic reactions to events, deeds, choices, and mimetic representations thereof. The right education, moreover, is identical to an appropriate, habituated aesthetic disposition; that is, the educated person is one who has been trained to experience pleasure, pain, attraction, and hatred in response to appropriate objects, even without the capacity to comprehend a rational argument for those responses.[66] A trained aesthetic disposition constitutes the first virtue that comes to children and accounts for the majority of moral decisions made by most people throughout their lives. For the sake of clarity and simplicity and to avoid confusion with virtue in the second sense, we shall refer to this type of virtue—the ethical disposition that develops in

children and consists entirely in the appropriate training of pleasure, pain, attraction, and hatred—as education.

The second virtue—virtue in its entirety (σύμπασα . . . ἀρετή)—is a more comprehensive and complicated phenomenon. It consists in the consonance (συμφωνία) that occurs when: (i) the education of the passions and the establishment of an appropriate ethical disposition are complete, so that the passions respond appropriately to the perception of the right kinds of objects; (ii) reason or a rational account (τῷ λόγῳ) has developed in the soul, so that the person has wisdom (φρόνησιν) and true, firm beliefs (ἀληθεῖς δόξας βεβαίους), which will not be shaken or informed by passions of pleasure and pain; and (iii) the trained passions self-reflexively affirm (συμφωνήσωσι) that they have been habituated (εἰθίσθαι) in appropriate habits (τῶν προσηκόντων ἐθῶν).[67] That complete virtue comprises (i) an educated aesthetic disposition and (ii) a rational account of course picks up on the notion of education for citizenship discussed at 643c–644a above. The suggestion is that the kind of virtue that occurs in *heortai*—the subject of Book II—corresponds to the passional and intellectual education for citizenship promised in Book I. But difficulties emerge from condition (iii); for how, exactly, can "passions . . . in consonance with reason affirm that they have been correctly habituated in the appropriate habits"? To recur to the image of the *eikôn* of the soul as puppet—which clearly undergirds the notion of education and virtue in this passage—how can the 'irrational counselors' of pleasure and pain or the brittle and hard cords of iron and bronze develop the metacognitive capacity to recognize and endorse their own habituation? The answer depends on the passions' epistemic content, that is, their ability to generate and become associated with specific beliefs regarding good and evil. As Welton argues, "[*s*]*umphonia* is the accord between the irrational, non-cognitive elements in the soul—feelings of pleasure and pain, fears, desires, loves, and hates, etc.—and the rational, cognitive part of the soul. . . . [A]n education designed to train the emotions to accord with the knowledge and belief of the eldest and wisest must also take into account the content of this knowledge and belief and in some way reflect it in its teaching, even if it does not try to impart such knowledge, or even settled belief, directly into everyone's soul."[68] This requires a high level of sophistication in the non-rational parts of the soul and its trained sensibilities; for those parts must not only experience pleasurable or painful perception of appropriate attractive or repulsive objects—that is, they must not only have acquired the right ethical disposition—but must also be able to recognize and affirm that their habits and perceptions have been rightly developed. We henceforth refer to this *symphônia* of appropriate education, rational account, and metacognitive endorsement of the soul's disposition as virtue.

This conceptualization of education and virtue also distinguishes the psychology of the *Laws* from that of the *Republic*'s tripartite division of the soul in important ways. The differences may be illustrated by way of analogy, a scenario inspired, *inter alia*, by the *Phaedrus*. Consider a scenario in which a man, an *erastês*, has beheld and fallen in love with a boy, his *paidika*, who is beautiful and therefore inspires his carnal, epithumetic desires; illustrious and well-connected, and so interesting to his sense of ambition and love of honor (*philotimia*); and intelligent, showing potential for wisdom, and thus appeals to his reason's instinctive propensity to seek to cultivate philosophical wisdom in itself and in others. According to the *Republic*'s psychology, if the adult male is governed by the epithumetic part of his soul, he will wish to enjoy the boy's body; if by the thumoeidetic, he will regard the boy instrumentally, wishing to exploit him for prestige and political advantage; and if by reason, to cultivate a chaste, virtuous, philosophical life with him. Of these configurations, only the last—the man whose soul is governed by reason—is capable of behaving virtuously. According to the psychology of the *Republic*, the lower parts of his soul will contribute nothing to the process of moral deliberation and action; indeed, he is virtuous precisely because his reason dominates, restrains, and redirects the lower parts of his soul.

This analogy is, of course, oversimplified, but it underscores a significant distinction between the two treatises. In particular, even if the epithumetic and thumoeidetic parts of the soul are coerced to accede to reason's demands, the internal state of the virtuous man in the *Republic* may remain disharmonious, divided against itself, with the desiderative and spirited parts of the soul seeking objects that reason denies. And therefore, according to the *Laws*' definition of virtue in its totality, the *Republic*'s virtuous man is not completely virtuous; for even though his soul's reasoning element may choose and force its lower counterparts to accede to the right action, he will not have met condition (iii) that the trained passions self-reflexively affirm that they have been habituated in appropriate habits. In order to be considered virtuous in the *Laws*, one's passions must not only seek the right objects but also agree with calculation that they have been educated to do so in the right manner. To be clear, the *Republic* does not categorically rule out the possibility of an individual whose epithumetic and thumoeidetic parts of the soul might agree with reason that they have been appropriately trained to delight in and hate the right objects, but only the *Laws* makes that *symphônia* a precondition for virtue. But this raises another point of differentiation: to the degree that his desires for pleasure and ambition retain an instinctual orientation toward inappropriate objects—even if those desires are never satisfied—according to

the *Laws*, the virtuous man of the *Republic* is not even educated. For he will also fail condition (i) that the establishment of an appropriate ethical disposition is complete and that the passions have been habituated to respond appropriately to the right kinds of objects. To be clear once again, the *Republic* does not categorically rule out the possibility of an individual whose epithumetic and thumoeidetic parts of the soul might be perfectly educated to choose the right objects, but only the *Laws* makes that disposition a precondition for both education and virtue.

Let us then imagine a variation on this scenario, now within the terms of the psychology of the *Phaedrus*, there analogized to a chariot drawn by two horses (*Phaedr*. 246a–d, 253c–256e). The soul of an adult man in love apprehending an object of beauty will, Plato claims, be divided: the hubristic and vaunting dark horse of passionate desire will leap immediately to copulate upon the boy; the noble white horse, checked by internal temperance, shame, and honor, will restrain itself and seek to obey the commands of the charioteer; the rational charioteer will gaze on the phenomenal appearance of beauty within the boy's body and soul and, recollecting the vision of the Form of Beauty prior to incarnation, will seek to live an intimate but celibate life—a life that is blessed (μακάριον) and 'likeminded' (ὁμονοητικόν), and in which both man and boy "are masters of themselves and orderly" (ἐγκρατεῖς αὑτῶν καὶ κόσμιοι ὄντες, *Phaedr*. 256a8–b). In this configuration, the best one may reasonably hope for is that the dark horse of the passions is restrained and ultimately defeated, curbed by the charioteer and the white horse. Yet, although the behavior of the virtuous, encratic soul of the *Phaedrus* may appear to be the same as the perfectly virtuous person in the *Laws*, his internal psychological state is characterized by strife; its passions are subjected to violent suppression and, as Plato makes clear elsewhere, there is little if any hope that the dark horse will agree that temperance and philosophy are the best ways to treat the body of the beloved; it will, rather, rebuke and rebel against its better counterparts (*Phaedr*. 254b–e). Once again, therefore, the virtuous lover of the *Phaedrus* fails to meet conditions (i) and (iii) for complete virtue in the *Laws*. The *Phaedrus* does not necessarily rule out the possibility of an individual whose dark horse is so weakened, broken, and tamed to the bit that it cannot even minimally pull the soul in the wrong direction; but, nevertheless, that the horse is inherently base implies that its nature is predetermined. Moreover, the base, dark horse contributes nothing to virtuous moral deliberation and action; virtue is made possible precisely by ignoring and throttling its impetus.

Contrast the state of educated and virtuous souls in the *Laws*. The perfectly *educated* person who has yet to receive a rational account of his or her

habituated ethical preferences will nonetheless desire and enjoy the experience of making the right moral decisions. Provided that they have been properly trained, the passional parts of the soul alone will experience pleasure and attraction, and suffice to guide the individual toward, appropriate behaviors even without the supervening control and adjudication of the *logistikon* of the *Republic*, the philosophical charioteer of the *Phaedrus*, or the *logismos* of the *Laws*. In other words, one need not have developed reason or acquired a rational account to make the right decisions; the educated passions in and of themselves may be relied upon to guide moral deliberation—which entails, of course, that pleasure has a much more central position in the moral psychology of *Laws* than in earlier dialogues. The perfectly *virtuous* person need not only rely on the rational account that he or she has acquired to lead in the right direction. He or she may also expect the passions to endorse, delight in, and serve as motivation for the decisions made by reason. The perfectly virtuous person in the *Laws* welcomes on all levels the experience of virtue; his or her soul is not divided against itself; nor are its lower passions beaten into conformity. The vision of the virtuous soul in the *Laws* is one of profound psychological harmony, an orchestration of all parts of the psyche blending and opposing pleasure and pain, attraction and fear, so that the passions become, by their very nature, assistants (συλλαμβάνειν, ὑπηρετῶν) to the golden cord of calculation. One of the promises of the *Laws*, then, is the hope of feeling sensual, aesthetic pleasure in virtuous action, the promise of a harmonious self, in which the soul is no longer divided.

Two further observations are to be made in this context. First, the behaviors of the educated person and the virtuous person in the *Laws* will appear identical. As we discuss in the Introduction, Plato has come to believe in the *Laws* that even persons who lack a developed, philosophically trained capacity for reason may nevertheless be taught to welcome and endorse the genuinely good attributes of fine and noble behaviors and representations. Educated and virtuous persons will experience a sensual delight in the appearances of fine behaviors and representations, and aversion to their opposites—although the perfectly virtuous person's experiences will presumably be of greater depth and richness. Second, in the *Laws*' psychology, the person whose passions and ethical disposition are out of synch with the dictates of reason is uneducated and imperfectly virtuous, even if he or she behaves as a virtuous person would—even if, for instance, calculation proves to be especially dominant and in control of passions that rebel against it. In other words, *enjoying* virtue is a precondition for virtue; and in this respect, readers will detect in the *Laws* a precursor to Aristotelean ethics.

The upshot is that trained emotional sensibilities and their attendant beliefs play an indispensable role in moral deliberation, and the experience of pleasurable or painful *aisthêsis* is an essential feature of the virtuous life.[69] The concord, for instance, of calculation and pleasure—delight in objects that are in fact fine and in harmony with a rational account thereof, and aversion to those that are not—is part of the particular virtue of temperance (*sôphrosynê*).[70] Saunders has suggested that the *Laws* offers two definitions of *sôphrosynê*: "an instinctive fight against excessive pleasure, as it might be manifested by children, or the developed *sôphrosynê*, a conscious control of pleasurable feelings, shown in an adult."[71] 'Control,' however, connotes too adversarial a relationship between calculation and pleasure. As Stalley recognizes, "we may behave rightly because we actually want to do what is morally required. Virtue, then, may consist in having desires that are habituated to accord with one's better judgment. . . . In general the aim of education is not merely to encourage us to control our wayward passions, but to make us feel pleasure in virtue and find vice painful."[72] In order for one to behave virtuously, one's senses of pleasure and pain, and their attendant beliefs, can and must be educated to accord with the dictates of reason, regardless of whether the individual has yet developed wisdom (φρόνησιν) or true, stable opinions (ἀληθεῖς δόξας βεβαίους). The imagery of metals is not lost here; although the cords of pleasure and pain are brittle and may pull against calculation, they also admit of malleability and sculpting, so that the passions may be trained to concur with the expectations endorsed by calculation.[73]

If one is to make good moral decisions, one must be inclined to delight in the qualities that make *praxeis* morally good and to resist the appearance of vice. This in turn requires socializing activities to produce an ethical disposition that accords with reason and therefore renders the soul receptive to virtue.[74] The symposium is treated as the institution most suited to the cultivation of moral pain and fear; when properly conducted, sympotic contexts provide participants an opportunity to develop a sense of shame and fear of ill repute and to test their fellows' moral character.[75] But pleasure, too, has its place; and pleasure is the province of performance. As the musical overtones (συμφωνήσωσι, συμφωνία) suggest, the theory of soul at 2.653b–c subtends the account of poetry, music, song, and dance that occupies much of Books II and VII. In Chapter 2 we examine more closely the role of reason and calculation in performance. Rationality will be shown to have the same function in contexts of performance that it has in the soul, serving as an evaluative apparatus that judges among competing forms of poetic pleasures, attendant hopes, and expectations. The next section examines more closely how performance shapes

the soul's sensations of non-rational pleasure, that is, how aesthetic response informs ethical judgment by habituating the soul to take pleasure in representations of right moral actions.

1.5 Virtue, Education, and Aesthetic Response: A Model of Performativity

We have observed that Plato's definition of virtue in the *Laws* requires the habituation of the passions and the development of a predisposition to feel an appropriate aesthetic response to actions endorsed by reason, and that pleasure is therefore a requisite for and concomitant with perfect *aretê*. We have also observed that because the passions are capable of experiencing the perception of fine and base properties, *aisthêsis* plays a crucial role in shaping ethical dispositions. The question is how the experience of music, poetry, song, and dance is mapped onto the structure of the soul as a marvelous marionette, a unity divided into pleasure and pain, attendant beliefs of attraction and fear, and a supervening, calculating faculty. Plato's answer, a philosophical account of performance as a shaping of the passions, appears throughout the *Laws*, and we shall need to draw together many strands of argumentation to reconstruct what Plato believes performance is and does for the psyche. This section therefore touches on numerous, often recursive discussions of the origins of *mousikê* in Books II and VII, to explore the relationship between performance and pleasure, and between aesthetics and ethics; it treats Plato's account of *khoreia* as mimesis, a representational medium expressive of the psyche's habituated dispositions; and it examines in more detail the *Laws*' discussion of choral genres as encapsulating ethical states.[76] We turn then to the effects of performance on political psychology, the collective ethical disposition of a people that characterizes a *politeia* and therefore shapes a city's constitutional history. In sum, what is offered in this section is an account of Plato's understanding of the performative properties of poetry, music, song, and dance, an account that begins from the inner workings of the soul, its susceptibility to mimetic art, and its propensity to determine a society's constitutional forms.

Having articulated parameters for a well-governed symposium in Book I and having defined education and complete virtue at the outset of Book II, Plato turns to choral performance, invoking a nominally popular account of the origins of religious festivals according to which the gods have established celebrations as respite from labor, and have given humanity the Muses, Apollo,

and Dionysos as fellow revelers, through whom the senses of pleasure may be educated and, if relaxed, petrified, or deformed, rendered supple and restored:

> Now, this education which consists in correctly trained pleasures and pains (τῶν ὀρθῶς τεθραμμένων ἡδονῶν καὶ λυπῶν παιδειῶν) tends to slacken (χαλᾶται) in human beings, and in the course of a lifetime becomes corrupted (διαφθείρεται) to a great extent. So, taking pity on the human race which is by nature prone to suffering (τὸ τῶν ἀνθρώπων ἐπίπονον πεφυκὸς γένος), the gods ordained the change of holidays (τῶν ἑορτῶν) as times of rest from labor. They have given as fellow celebrants the Muses, with their leader Apollo, and Dionysos—in order that these divinities might set humans upright again (ἐπανορθῶνται). Thus men are sustained by their holidays in the company of gods. It is necessary to see whether or not the things the argument is singing (ὑμνεῖται) to us now are true according to nature (κατὰ φύσιν). The argument asserts that every young thing, so to speak, is incapable of remaining calm in body or in voice, but always seeks to move and cry (κινεῖσθαι δὲ ἀεὶ ζητεῖν καὶ φθέγγεσθαι): young things leap and jump as if they were dancing with pleasure and playing together (οἷον ὀρχούμενα μεθ' ἡδονῆς καὶ προσπαίζοντα), and emit all sorts of cries. The other animals, the argument goes, lack perception of orders and disorders in motions (αἴσθησιν τῶν ἐν ταῖς κινήσεσιν τάξεων οὐδὲ ἀταξιῶν) which have received the names of 'rhythm' and 'harmony' (ῥυθμὸς ὄνομα καὶ ἁρμονία); we, in contrast, have been given the aforementioned gods as fellow dancers, and they have given us the pleasant perception of rhythm and harmony (τὴν ἔνρυθμόν τε καὶ ἐναρμόνιον αἴσθησιν μεθ' ἡδονῆς). Using this they move us, and lead us in choruses (χορηγεῖν), joining us together with songs and dances; and that is why they bestow the name choruses (χορούς)—from the name of the joy which is natural to these activities (τὸ τῆς χαρᾶς ἔμφυτον ὄνομα). (2.653c6–654a7)

Plato's etiology of choral dance is characteristic of the kind of appropriative misprision of ancient myth, custom, and common-sense beliefs that typifies the *Laws*' approach to the making of a second-best city. In certain respects, the account is highly conventional. That the life of the human race is laborious (ἐπίπονον), that music rejuvenates the elderly, and that gods have given poetry and dance as a reprieve from sorrow and a forgetting of ills are common enough poetic motifs—as are the paradigmatic and prototypical relationship between human and divine choruses and the notion that the *khoros* serves as a medium

of divine presence.[77] But beneath the mythological edifice lies a philosophical account of aesthetic experience as the normative shaping of the passions. The language of uprightness and correct dance posture (ἐπανορθῶνται) is polysemous, deployed as a metaphor for divine intervention in mortal affairs—gods set bodies and souls upright—and at the same time gesturing back to the correct and corrective method (*orthê methodos*) of cultural analysis, a revisionist heuristic, as we discuss in the Introduction, to reimagine the potential and unrealized utility of ancient practices. The pun on the chorus (χορούς) from the natural name (ἔμφυτον ὄνομα) of joy (χαρᾶς) in performance participates in the same appropriative strategy, rewriting a commonplace etymology according to Plato's theory of linguistic naturalism, whereby certain names (*onomata*) capture and preserve the essence (*physis*) of that which they designate.[78] The metaphorical slackening (χαλᾶται) of childhood education—reminiscent of both the strings of a lyre and the cords of a marionette—recalls the image of the soul as a divine puppet, as does the rhetoric of naturalism (πεφυκός, κατὰ φύσιν), pleasure (μεθ' ἡδονῆς), and pain (λυπῶν), reinterpreting tropes of popular mythology within the terms of Plato's moral psychology. The language and psychological structure posited in the myth of virtue clearly subtends Plato's etiology of *khoreia*, and it re-emerges throughout the dialogue to provide an interpretive infrastructure within which to make sense of the psychological and political efficacy of choral performance.

2.653c–654a also points to a substantive development in Plato's understanding of the role of the passions in moral deliberation, a development that is implicit but not emphasized in the passages discussed in the previous two sections: it is not only calculation that is drawn by a divine force; pleasure—particularly choral pleasure—also has transcendent qualities. If the image of the soul as a divine puppet of Book I argues that calculation counterbalances the wayward strain of pleasure and pain, and leads to morally upright decisions, here it is suggested that the gods lead men and women in song and dance, and they do so by drawing on our instinctive delight in performance. Under the right conditions—namely, the correct (*orthôs*) administration of symposia and *heortai*, ritual practices symbolically association with the Dionysiac—pleasure may also direct the soul to ethically appropriate behavior. The etiology of *khoreia* suggests, moreover, that the pleasurable perception of choral performance is, as it were, built into the human frame. If for Aristotle (*Pol.* 1253a10–19) what separates humans from animals is speech (*logos*), as opposed to mere voice (*phônê*), for Plato the distinction is drawn between the universal propensity in all life but most apparent in youth to move and make utterances (κινεῖσθαι δὲ ἀεὶ ζητεῖν καὶ φθέγγεσθαι), as opposed to the singularly human capacity for pleasure in rhythmic and harmonic

perception (τὴν ἔνρυθμόν τε καὶ ἐναρμόνιον αἴσθησιν μεθ' ἡδονῆς). Pleasurable aesthetic perception (αἴσθησιν) of choral song and dance on this model takes order (τάξεων) as its object; simply by virtue of being human, we cannot but delight in somatic and sonic manifestations of order.

As a later passage makes clear, humans not only enjoy perceiving order in motion and sound, but also move naturally and enter into states of belief when experiencing pleasure.

> Do we not feel delight (χαίρομεν) when we think we are doing well (οἰώμεθα εὖ πράττειν)? And whenever we feel delight (χαίρωμεν), do we not think that we are doing well (οἰόμεθα εὖ πράττειν)? . . . And when we are in such a mood, a mood of delight (χαίροντες), we are not able to remain still? . . . Is it also the case that while our young men are ready by themselves to perform in the chorus (χορεύειν), we elders hold that is fitting for us to look on (θεωροῦντες) their performance, delighting (χαίροντες) in their play and festivity? Is it not because our liveliness (ἐλαφρόν) has left us, and yet miss and welcome it, that we establish contests for those who can as much as possible restore us, through memory, to youthfulness? (2.657c5–d6)

Plato in this passage proposes two models of aesthetic response: the response that belongs to the performer and a theoretical or spectatorial model, each correlated to the age of the participant.[79] The next chapter examines Plato's integrating of both models, but in the present context we note that Plato here makes a claim about the inherent human capacity for pleasure in performance, and in doing so fleshes out in choral terms the implications of the image of the soul as a composite of *pathê, doxai*, and *logismos*. We experience pleasure (χαίρωμεν) when we believe we are flourishing (οἰώμεθα εὖ πράττειν); and we believe we are flourishing when we experience pleasure; pleasure thus generates and is inseparable from beliefs. Moreover, when we experience pleasure, we move; and when we believe we are flourishing, we also move; movement is therefore the natural expression of pleasure and the belief that we are flourishing. It is this particular complex—the triad of believing that we are flourishing, feeling joy or pleasure, and movement—that choral dance instantiates and perpetuates, and which festival competitions institutionalize. Whether the sensation belongs to the youthful performer or elderly spectator, pleasure—χαίρομεν, which puns on χορεύειν and picks up the natural etymology of *khoreia* from joy (*khara*) in performance—arises as an instinctive response to choral song and dance. By virtue of being humans—that is, being

the kinds of animals for whom beliefs in one's prosperity, movement, and pleasure are essentially interdependent—we must enjoy song and dance; it is a fundamental substrate of the human soul. There is, of course, a circularity to this argument, but it suggests that choral pleasure is so natural and compelling, so ingrained in the human psyche, that it generates states of belief, convincing spectators and performers alike that they are flourishing (οἰόμεθα εὖ πράττειν), regardless of whether such conclusions are warranted.

The identity of pleasure with flourishing is for Plato a problematic claim; for the assertion that one's condition is prosperous or genuinely good is subject not only to standards of pleasure but also of truth, accuracy, and correctness.[80] Moreover, because choral performance is a form of mimetic art, Plato insists, it bears a necessary and natural relationship to ethical states in the soul:

> . . . with regard to the posture or tune of a coward and the courageous man (τοῦ δειλοῦ τε καὶ ἀνδρείου σχῆμα ἢ μέλος), it is correct to call what pertains to courageous men 'fine' (τὰ μὲν τῶν ἀνδρείων καλά), and what pertains to cowards 'disgraceful' (τὰ τῶν δειλῶν δὲ αἰσχρά). To avoid our getting involved in a very lengthy discussion of these things, let us simply let all the postures and tunes that belong to virtue of the soul or of the body (τὰ μὲν ἀρετῆς ἐχόμενα ψυχῆς ἢ σώματος . . . σύμπαντα σχήματά τε καὶ μέλη)—whether they belong to virtue (ἀρετῆς) itself or to an image (εἰκόνος) of it—be fine (καλά), and those belonging to vice (κακίας) be the entirely the opposite. (2.655a8–b6)

In the immediate context, Plato differentiates *mousikê* from other forms of art—for example, pictorial and plastic—and delineates a vocabulary that is appropriate to the constitutive elements and inherent properties of *khoreia*. Choral performance does not have color, but it does have rhythm, harmony, posture, and melody. Plato's larger claim, however, is that the praiseworthy features of performance reside in its mimetic relationship to virtues of the soul. Virtuous men and women move and vocalize in specific ways; therefore, the argument goes, choral dances and songs that represent the ways that genuinely fine persons speak and move are themselves also fine. Choral representations of virtue transplant into dance and melody the good-making properties of virtuous actions, conditions of body, and states of soul, so that a posture or tune is fine (καλά) and partakes of virtue (τὰ μὲν ἀρετῆς ἐχόμενα) because it represents that which is fine—bravery, virtue, or an image (εἰκόνος) thereof. Conversely, dance forms and songs that capture the movements and vocalizations of cowards and degenerates are base and disgraceful.

The linchpin in the *Laws*' theory of performance—and the point at which choral representations become ethically normative—is the claim that the pleasure that a person takes when choosing morally appropriate or inappropriate actions is identical to the pleasure he or she experiences when gazing upon or participating in fine or base choral performances. The issue comes to head in a discussion of whether one's ethical judgments can be discordant with one's artistic preferences. The Athenian Stranger asks whether we all experience equal 'pleasure' (χαίρομεν) in all 'choral performances' (χορείαις), or whether pleasure admits degrees of variability and subjectivity (2.655b9–c1). Kleinias concedes that variations in taste abound, which the Athenian Stranger attributes to distinct ethical dispositions:

> Choral performances (τὰ περὶ τὰς χορείας) are representations of character (μιμήματα τρόπων), in all sorts of actions and fortune, and each performer brings to bear both his habitual dispositions and his capacity to imitate (ἤθεσι καὶ μιμήσεσι διεξιόντων ἑκάστων). Now those whose character is in accord (πρὸς τρόπου) with what is said and sung and in any way performed in a chorus—because of nature or habit or both (ἢ κατὰ φύσιν ἢ κατὰ ἔθος ἢ κατ' ἀμφότερα)—are necessarily delighted (χαίρειν) by the performances, and led to praise (ἐπαινεῖν) them and pronounce them fine (προσαγορεύειν καλά). Those, on the other hand, who find that the performances go against nature, character, or a certain habituation (παρὰ φύσιν ἢ τρόπον ἤ τινα συνήθειαν), are unable to delight in (χαίρειν) them or to praise (ἐπαινεῖν) them, and must necessarily pronounce them disgraceful (αἰσχρά τε προσαγορεύειν). (2.655d5–656a1)

Plato here compresses a number of important claims: (i) Choral song and dance are representations of character (μιμήματα τρόπων), as it appears in a variety of circumstances and activities.[81] (ii) Because all chorality is mimetic, it is interpretable by reference to the characters it represents (we shall return to this point in the next chapter). (iii) Our passions respond to the characters represented in performance. More precisely, we delight in (χαίρειν) verbal, melodic, and choral representations of the ethical dispositions (ἤθεσι) and characters (τρόπων) that accord with our own character (πρὸς τρόπου); and we cannot take pleasure—indeed, we might experience pain—in response to representations that run counter to our own nature, character, or habituation (παρὰ φύσιν ἢ τρόπον ἤ τινα συνήθειαν). We therefore delight in choral art that reflects our own ethical disposition, and we dislike performances that run counter to our character. (iv) Dispositions that we delight in (i.e., that

reflect our own disposition) we also praise; and dispositions that we do not delight in we declare debased (αἰσχρά τε προσαγορεύειν). Declarations of praise (ἐπαινεῖν) and dispraise are thus lexical expressions of aesthetic pleasure and pain in response to the representation of ethical characters.

The third and fourth claims are especially significant, since together they suggest that declarations of artistic judgment, which are no more or less than expressions of aesthetic pleasure and pain, are in fact declarations of moral judgment. We pronounce beautiful and we experience aesthetic pleasure in representations of characters and dispositions that accord with our own character and ethical disposition. For Plato, one does not take pleasure in a work of art per se, but rather in the ethical characters that that art expresses, mimetically. When we declare a work of choral performance beautiful, we are in fact saying that that performance gives us pleasure; we are, in other words, making a subjective statement of taste; and the reason that choral performance gives us pleasure is that it mimetically represents characters and habits that accord with our own moral characters and habits. To put it otherwise, for Plato, there are inherent properties in choral performance, qua *mimêmata*, that make it fine or base; and our ability to appreciate pleasurably or rebel violently against those properties depends on how our souls' habituated passions have been trained to respond to those properties.

The upshot here is that for Plato aesthetic pleasure depends on *ethical* disposition. We pronounce *morally* excellent and beautiful (καλά) those representations that we find aesthetically pleasurable; and we find aesthetically pleasurable those characters and habits that accord with our own character and habits. Conversely, we declare morally debased (αἰσχρά) those representations that fail to induce pleasure—representations of character that depart from our own nature, habituation, or both. Aesthetic judgment—our ability to delight in and therefore praise, or experience pain in response to and blame a given performance—is, in fact, ethical judgment, and an aesthetic disposition is an ethical disposition; for there is no such thing for Plato as a disinterested, purely aesthetic mode or faculty of evaluation.[82] As much is also implicit in Plato's claim at 2.654b5–6 that to have been well or beautifully educated (καλῶς . . . πεπαιδευμένος) is to be able to sing and dance well or beautifully (καλῶς). The application of *kalôs* to both education and performance points to an identification of the ethical with the aesthetic. Aesthetic judgment is a function of one's ethical disposition—the *tropos* of one's soul—and of how one's orientation toward pleasure and pain, confidence and fear, love and hate responds to the characters represented in performance. What one perceives as pleasurable in performance, one also judges to be morally fine; and, vice versa, what one judges to be morally good—whether by nature, character,

or habit—is that which causes pleasure. The result is that the person who is temperate takes pleasure in choral representations of temperance, and brave in bravery; whereas the unjust experience delight in and praise mimeses of unjust behaviors (2.663b–c).

The implications of these claims pertain not only to declarations of artistic merit. For Plato believes that mimetic choral performance is capable of indelibly shaping and determining our passions. Because choral pleasure is inextricably integrated into the internal frame of the human psyche, we are inevitably drawn to take pleasure in and establish in our own bodies and souls the characters and ethical dispositions of which *khoreia* is a mimesis. By imposing on the body and psyche specific *tropoi*, performance shapes the performers' ethical disposition, predisposing the soul to welcoming and assimilating itself to the *tropoi* portrayed in performance (2.654b–d, 2.655b). This may lead to either of two conclusions. First, choral performance may train the performer and spectator to delight in base and disorderly pleasures, and thereby establish lawless and erratic *pathê* in the soul; performers and spectators of disorderly genres risk becoming sensually committed to debased *tropoi* and developing disorderly dispositions in their own souls (cf. 2.669b–c). Second, as we discuss in the next section, performance may train the soul to enjoy genuinely fine and orderly choral representations, creating the character and habitual disposition to be considered educated and to delight in acts of virtue. In either case, we praise and become the kinds of ethical persons we are, our habituated pleasures take on the shape and directional impulses they have, by virtue of participating in and spectating choral performance.

The *Laws*' approach to *khoreia* leans unmistakably on the fuller account of mimesis in the *Republic* (cf. *Resp*. 3.392c–398b, 10.596b–601b), and in the next chapter we explore at greater length the notion of mimetic representation that lies beneath much of Plato's concern with *mousikê*, as well as his criticisms of the emergence of the so-called New Music, a post-mimetic trend in choral art that, Plato worries, sunders representational relationships. Here we observe that given the susceptibility of the soul to the experience of pleasure in performance—that is, given our human capacity to delight in ordered motion and sound, to believe that we are flourishing when we experience (choral) pleasure, and for pleasure to establish permanent dispositions in the soul—melic and dance representations of vice have a dangerous and politically destabilizing potentiality. Plato has claimed that pleasures play a central role in the education of the individual for the activities he or she is expected to pursue as an adult; and the activity for which education must

prepare is citizenship—that is, knowing how to rule and be ruled with justice, which requires one to experience erotic delight in the activity of being a citizen. Recall, moreover, that the image of the soul as puppet is an expressly political analogy, one that connects calculation in the psyche to the *polis*. The image thus provides an account of the relationship between law and the internal order of the virtuous psyche, an account in which the divine element of the soul, calculation, is transformed into the *dogma* of the city and, as law, maintains an essential relationship to the rational ordering of the *kosmos*. In a later discussion of the 'habituation' (συνήθειαν, 7.798a5) of children through games, Plato revisits the influence of sensations of pleasure and pain on the shape of constitutional history:

> Everyone thinks that very great and serious harm (τὴν μεγίστην . . . σπουδὴν καὶ βλάβην) cannot follow from changes in the games (παιδιάς) of the young, on the grounds that these are really just games. As a result, they do not prevent such changes but give in to and follow this, not taking into account the fact that these boys who practice innovations in their games must necessarily grow to be men who are different from those the earlier children grew into (ἑτέρους ἄνδρας τῶν ἔμπροσθεν γενέσθαι παίδων); having become different kinds of men (γενομένους δὲ ἄλλους), they seek a different way of life (ἄλλον βίον), and in seeking it they desire different institutions and laws (ἑτέρων ἐπιτηδευμάτων καὶ νόμων ἐπιθυμῆσαι); from this it follows that none of them fears the arrival of what was now said to be the greatest evil (μεγίστου κακοῦ) for cities. There are, indeed, other changes—those affecting postures (σχήματα)—that would do less damage; but whatever brings about frequent change in the praise and blame accorded to habituated dispositions (τὰ τῶν ἠθῶν ἐπαίνου τε καὶ ψόγου) is the greatest of all changes, I believe, and would require the most attentive watching. (7.798b6–d5)

As the context makes clear, 'play' or 'games' (παιδιάς) refers to singing and dancing in choruses, and the grave harm and evil (βλάβην, κακοῦ) of which the Athenian Stranger warns is the arrival of poets whose innovations alter the youth's bodily postures (σχήματα) and ethical characters (ἠθῶν), leading them to disdain traditional forms of *mousikê* and to praise and blame different values.[83] Once the youth develop new aesthetic pleasures, beliefs, and ethical characters in *khoreia* and other forms of play, they become fundamentally

different kinds of men (ἑτέρους ἄνδρας), revolt against the customs of their forebears, and desire novel paradigms of life, political institutions, and citizenship (ἄλλον βίον, ἑτέρων ἐπιτηδευμάτων καὶ νόμων ἐπιθυμῆσαι) to correspond to their new sensibilities. In Wallach's words, the "aesthetic formation of human sensations of pleasure and pain" offer an index of "the relative receptivity of a culture to an education in virtue" and "predisposes a society for a particular politeia."[84] A city's laws and political institutions are manifestations of the paradigms of pleasure that its cultural institutions foster; as tastes in play evolve, political structures shift. Citizenship—the kind of life that a city's laws and institutions enable its people to live—springs from the psychology of pleasure that has been formed in singing and dancing. We become not only specific kinds of ethical agents, but specific kinds of citizens, and we make specific political decisions because of the ways that performance shapes our sense of what is pleasing, determines our ethical dispositions, and defines the discursive parameters of our moral evaluation, that is, our language of praise and blame.

In this sense, then, whether one is exposed as a spectator or performer, performance is invariably performative. The new fact created in performance is an aesthetic and ethical responsiveness, a habituated sense of pleasure, pain, and attendant beliefs regarding the fine or base properties of song and dance, and a predisposition to welcome (or resist) calculation in the soul and city. To be more precise, performativity in the *Laws* is aesthetic (derived from the perception of order in song and dance), extra-linguistic (producing social states that obtain beyond and exceed language as a semiotic system), and perlocutionary or "perhedonic" (since Plato's model is neither logocentric nor principally linguistic, but effectuated through *hêdonê*), constituting ethical dispositions through pleasurable perception and performance of mimetic representations of character in rhythm and harmony. The process is at once natural and constructed, since the human being, qua human, delights in and assimilates him- or herself to postures and characters represented in mimetic art; but the members of a performing community may also choose which performances to stage, thereby determining the ethical dispositions that they acquire. Moreover, the performative quality of the arts of the Muses—that is, the latent capacity in music, poetry, song, and dance to establish ethical and aesthetic dispositions and effect regime change—links the individual to the collective, conjoining subjective notions of pleasure and moral approbation to shared beliefs, values, and modes of living. We may all experience discrete pleasures in a given performance, but to the degree that that

performance is a communal activity and shapes the preferences of the audiences and performers, individual dispositions reflect collective processes of social construction. To return to Geertz's formulation, soul's disposition toward aesthetic pleasure (and pain), formed in performance, is thus the middle term between the structures of culture and the chaos of politics, between a society's settled judgments—its beliefs regarding what is praiseworthy and fine—and the seemingly erratic turmoil of its political history.

In the previous sections we argued that pleasure is a fundamental, constitutive element in the soul and a precondition for virtue in its entirety. We may now observe why *mousikê* is of such central concern to the *Laws*' *political* project—that is, its design of an ideal city. Because *hêdonê* is an instinctual response to ordered sound and motion, the pleasures fostered in performance become manifest in political institutions. By the same token, the processes whereby new moral regimes are founded in the psyche and new kinds of men are made in the *polis* generate discourses of praise and blame that influence the structure of political institutions; by virtue of being performative, the arts of the Muses are also political. *Mousikê*—because of its ability to shape and habituate the individual to specific regimes of pleasure in the soul that migrate thence to the city's governing organs—tethers the individual to the *polis* and thereby becomes a way of doing politically relevant things with sung words and danced forms.

It must be recalled that Plato's goals are at once descriptive and prescriptive, designed both as an explanation of the origins of *mousikê* and its effects on the psyche, and as proposals to make singing and dancing an education for citizenship. When Plato's asserts that "one who is able to sing and dance beautifully (καλῶς) is well (καλῶς) educated" (2.654b5–6), the claim expresses a nostalgia for an aristocratic vision of elite *khoreia* as a sentimental training of the passions, a model of archaic song culture antithetical to rhetoric and oratory in Athenian, democratic education. But it is also programmatic; the *Laws* offers a schema to transform choral song and dance into a training for the type of virtues and citizenship expected of the citizens of the second-best city. Nostalgia, in other words, serves as a vector for a distinctly fourth-century project; and chorality provides the mechanism to develop a philosophically informed model of education, a system of song and dances that habituates the soul's passions to delight in genuinely fine (*kala*) phenomena and thereby prepares the citizen to be ruled and to rule with justice. This section has focused on Plato's descriptive account of the soul in performance; the next turns to the prescriptive program to transform *mousikê* into an instrument of philosophical education.

1.6 Inscription and the Making of a Philosophical Performance Culture

Criticizing mimetic art along ethical and political lines is a familiar strain in Plato's oeuvre, but, paradoxically, the very qualities that make poetry, music, song, and dance performative and therefore hazardous to the individual and the collective life of the *polis* also make the arts of the Muses useful in the *Laws* as a mechanism of social control. Because choral performance is a mimesis of character, placing the body into dance postures and exposing the soul to harmonic and rhythmic forms are effective means of influencing its receptivity to virtue (2.672e–673a). Childhood play in *mousikê* provides an instrument (μηχανήν, 7.798b4) to shape the ethical disposition and political inclinations of the citizen community. One who delights in wicked songs and postures is thereby harmed; but by the same gesture, those who 'experience pleasures' (ἡδονὰς ἀποδεχομένοις, 2.656a9) in opposite song and dance forms receive benefit therefrom:

> Surely it is necessary (ἀνάγκη) that one who takes delight (τὸν χαίροντα) in things assimilates himself (ὁμοιοῦσθαι) to the things he takes delight in (χαίρῃ), even when he is ashamed (αἰσχύνηται) to praise them; and what greater good or evil (τί μεῖζον ἀγαθὸν ἢ κακόν) could we declare there is for us than such completely necessary (ἐκ πάσης ἀνάγκης) assimilation? (2.656a7–b7)

As the language of necessity (ἀνάγκη, ἀνάγκης) indicates, Plato makes the strong claim that humans must assimilate (ὁμοιοῦσθαι) to the characters, habits, songs, and dance forms to which we are exposed and in which we delight (χαίρῃ). In this respect, pleasure, which is distinctively associated with choral performance and public, religious festivals, is a more compelling principle of psychological formation than shame, which, Plato has argued in Book I, develops in symposia and *syssitia*. If the great evil (κακόν) is that one is trained to enjoy debased characters, the necessary human propensity to assimilate to dance postures and songs is nevertheless an equally great good (ἀγαθόν); it suggests that our capacity for pleasure can be trained to delight in the qualities that make performance genuinely fine—and the whole of the *Laws*' performance culture is designed to make such good a reality.

When the spectator or performer experiences a song and dance as pleasing and deems it fine—provided that his or her ethical disposition has been trained appropriately—his or her hedonic and moral judgments will be responding

to genuinely fine characters. We might think of this person as the harmonious self: the person whose educated passions concur with calculation and for whom the experience of virtuous action is both pleasurable and endorsed by reason; such would be the condition of the perfectly educated and virtuous persons discussed in previous sections. Plato also acknowledges, however, the possibility of a disharmonious self, the person whose tastes and beliefs conflict and whose ethical disposition runs counter to that which he or she knows to be morally fine, so that he or she delights in representations of vice but avers to enjoy the good:

> Then there are some whose nature is correct (τὰ μὲν τῆς φύσεως ὀρθά) but whose habituation is opposed (τὰ δὲ τῆς συνηθείας ἐναντία), and others whose habituation is correct but whose nature is opposed, and these make pronouncements of praise that are opposed to their feelings of pleasure (ταῖς ἡδοναῖς τοὺς ἐπαίνους ἐναντίους προσαγορεύουσιν). They call each performance pleasant (ἡδέα), but wicked (πονηρά); in the presence of others whom they think prudent (οὓς οἴονται φρονεῖν), they are ashamed to move their bodies in such ways and ashamed to sing, because they will show that they treat them as fine things, and take them seriously (καλὰ μετὰ σπουδῆς). Nevertheless, they do delight in them when they are all by themselves (χαίρουσιν δὲ παρ' αὑτοῖς). (2.655e5–656a6)

How is it that we delight in representations of vice, but will not praise vice in our own lives? And why do we praise virtue but find dramas about good people doing good things to be dreary theater? The answer is that our rhetoric belies our pleasure principle, divulging a conflict between the objects of *hêdonê, lupê, doxai*, and *logismos*; for it is entirely possible for passions, beliefs, and calculation to pull in completely antithetical directions. Such internal disharmony over the constitutive properties of goodness in performance, Plato suggests, reflects a disorderly soul, one whose habituated senses of pleasure and pain jar against what it believes or has been told to regard as morally appropriate.

As we discuss in the next chapter, such dissonance between what one has learned to delight in and what one knows one ought to endorse calls for authoritative matrices of poetic and dance evaluation. But Plato also believes that the specter of a disharmonious self, whose habituated pleasure conflicts with calculation and is therefore incapable of perfect virtue, calls for a vibrant,

intensely pleasurable (if regulated) system of song and dance to align the citizens' ethical dispositions with an accurate account of goodness. Recurring once again to language reminiscent of the image of the soul as a marionette, Plato argues that education in performance ought to consist of the 'drawing and leading' (ὁλκή τε καὶ ἀγωγή) of children to concur with the 'argument' (λόγον) endorsed by the law and agreed upon by the city's eldest and wisest, so that "they become habituated to feel pleasure and pain" (χαίρειν καὶ λυπεῖσθαι ἐθίζηται) in performances that are genuinely fine; to this end, the city will make recourse to 'songs' (ᾠδάς) and 'incantations' (ἐπῳδαί) by which the youth will be led to experience pleasure in representations of virtue (2.659d4–e1):

> [Songs] really have as their serious goal the consonance (συμφωνίαν) we are speaking about. But since the souls of the young cannot sustain seriousness, these incantations are called 'games' and 'songs' (παιδιαί τε καὶ ᾠδαί), and are treated as such. It is just like when people are sick and their bodies are weak; those in charge try to give them the needed nourishment mixed with other pleasant tasting foods and drinks, and offer them the bad things mixed with unpleasant stuff, so that they will welcome one and become correctly habituated in hating the other (τὴν μὲν ἀσπάζωνται, τὴν δὲ μισεῖν ὀρθῶς ἐθίζωνται). This is the same thing the correct lawgiver will persuade—or, if he cannot persuade, compel—the poet to do in his beautiful and praiseworthy phrases: to create poetry correctly by depicting in rhythms and harmonies the postures and songs of moderate, courageous, and wholly good men (τῶν σωφρόνων τε καὶ ἀνδρείων καὶ πάντως ἀγαθῶν ἀνδρῶν). (2.659e2–660a8)

Masquerading as childish entertainment, performance in Plato's second-best city ensures that the youth are habituated (ἐθίζωνται) to feelings of pleasure and pain in representations of virtue. By singing and dancing virtues, citizens learn to take pleasure in the phenomenal properties of virtue itself. Notice that consonance (συμφωνία) encompasses not just the agreement of reason and the passions that characterizes complete virtue but is also a social condition.[85] It is opposite to both the internal state of the disharmonious self—the discordance between what one takes pleasure in and what one is taught to regard as praiseworthy—and the external, intergenerational dissonance discussed at 7.798b–d that leads to the development of different kinds of men and different kinds of constitutions from different kinds of play. Plato sees in performance both the seeds of political change and a bulwark against

it, an instrument of psychological and political volatility, disorder, and dissonance, and a representational medium capable of rendering permanent and communicable the pleasurable experience of genuinely prosperous and virtuous states of body and soul.

A later passage revisits the origins of choral performance, now stripped of mythological edifice, and brings together Plato's many accounts of aesthetic perception of ordered sound and motion, movement and psychological dispositions, and the development of belief:

> In general, no one who is using his voice—whether in songs (ᾠδαῖς) or in speeches (λόγοις)—can remain very calm in his body. That is why, as the imitation through gestures of what is being said came into being (μίμησις τῶν λεγομένων σχήμασι), it gave rise to the whole art of dancing (τὴν ὀρχηστικὴν . . . τέχνην σύμπασαν). With regards to all these gestures, one of us moves harmoniously (ἐμμελῶς), while the other moves in ways that are not in harmony (πλημμελῶς). Now we should understand that many of the ancient names (παλαιῶν ὀνομάτων) are well assigned and according to nature (εὖ καὶ κατὰ φύσιν), and therefore deserve our praise: one of these is the name given to the dances of men in prosperity (τὰς ὀρχήσεις τὰς τῶν εὖ πραττόντων) who are themselves handling pleasures in a well-measured way (μετρίων αὐτῶν πρὸς τὰς ἡδονάς). Whoever it was at that time that named the dances, he spoke correctly, musically, and according to reason (ὀρθῶς ἅμα καὶ μουσικῶς . . . καὶ κατὰ λόγον), when he gave them the name (ὄνομα) 'Harmonies' (ἐμμελείας), and established two forms of noble dances (δύο δὴ τῶν ὀρχήσεων τῶν καλῶν εἴδη)—the warlike or 'Pyrrhic' and the peaceful 'Harmony' (τὸ μὲν πολεμικὸν πυρρίχην, τὸ δὲ εἰρηνικὸν ἐμμέλειαν). In each case, he assigned a name (ὄνομα) that is fitting and harmonious. (7.816a5–c1)

Whereas the etiology of *khoreia* from the joy (*khara*) of dancing in choruses suggests that the gods establish festivals as a reprieve from human toil, here the origins of performance are located in the performer's voice and in the body's inability to remain motionless as one speaks or sings. Dance is therefore inherently mimetic, an embodied representation of *logoi* and *ôidai*—another reason for Plato to criticize the New Music as a violation of nature; the art of dancing (ὀρχηστικὴν . . . τέχνην) systematizes and replicates the innate proclivity to move while uttering sound. If this passage therefore tells us something of the origins of dance, it also suggests that there is an inherent

relationship, preserved in ancient generic designations, between ethical states and forms of choral dance. The names (ὀνομάτων, ὄνομα) of pyrrhic and irenic dance are another instance of the natural (κατὰ φύσιν) etymology, one that points to a principle of generic classification. The person who experiences modulated pleasure (μετρίων αὐτῶν πρὸς τὰς ἡδονάς) while genuinely flourishing (εὖ πραττόντων) moves in specific, harmonious (ἐμμελῶς) ways; and the genres of harmonious dance (ἐμμελείας) capture and formalize that movement. Conversely, disorderly dance emerges from an anarchic habituation of pleasures in the soul (2.655a–b, discussed above).

The etymological connection between dance and states of soul allows Plato to create a taxonomy of ethical dispositions toward pleasure in performance, each expressive of the virtues of character:

> With regard, then, to what belongs to the unwarlike Muse who is manifest in the dances where men honor the gods and the children of the gods, one whole kind of dance would be that which portrays an opinion of prosperity (γένος ἐν δόξῃ τοῦ πράττειν εὖ γιγνόμενον). This in its turn we would subdivide: one sort, involving more pleasures (μείζους ἡδονὰς ἔχον), would represent people fleeing from certain toils and risks, into good things; the other sort would represent the preservation and augmentation of the aforementioned good things, involving pleasures gentler (πραοτέρας τὰς ἡδονάς) than those of the others. In such circumstances every human being presumably moves his body more when the pleasures are greater, and less when they are lesser; moreover, the human being who is more orderly and who has better gymnastic training in courage (ἀνδρείαν) moves his body less, while the coward (δειλός) and the one who lacks gymnastic training in temperance (τὸ σωφρονεῖν) presents greater and more violent changes in his motion. (7.815d4–816a3)

In this generic typology, virtues (ἀνδρείαν, σωφρονεῖν) have choreographic correlates: courageous and temperate souls experience pleasure with greater moderation, and therefore courageous and temperate persons move with greater moderation; the disorderly pleasures of the cowardly and intemperate are expressed in erratic dance movement (7.815d–816a); each habituated disposition toward pleasure has concomitant states of belief (δόξῃ). Genres constitute mimetic formalizations of regimes of pleasures (ἡδονάς) and states of belief regarding prosperity (δόξῃ τοῦ πράττειν εὖ). Dances of noble persons are classified as serious (*spoudaion*) forms of dance, itself further

divisible into pyrrhic—"the imitation of noble bodies entangled in violent exertions, when the soul is courageous (ψυχῆς δ' ἀνδρικῆς)"—and irenic—"the imitation where the soul is temperate (σώφρονος), in prosperity (εὐπραγίαις) and well-measured pleasures (ἡδοναῖς τε ἐμμέτροις)" (7.814e6–9). Both pyrrhic and irenic dance forms have a relation to virtues and virtuous men; whereas pyrrhic represents erect, vigorous bodies and souls (7.815a–b), irenic dance must be keeping with the manner of 'law-abiding men' (εὐνόμων ἀνδρῶν) and at the same time 'in accordance to nature' (κατὰ φύσιν, 7.815b5–6). We might therefore think of choral genres as crystallizations of regimes of pleasure and attendant beliefs, some of which emanate from disorderly *hêdonai* and mistaken *doxai*, others naturally and etymologically connected to the psychological conditions of virtue. The particular utility that Plato sees in dance is its ability to distill, exemplify, and make aesthetically appealing virtuous states and constitutions of pleasure in the soul.

The question, however, is: How is *mousikê*—ephemeral artistic media that draw on pleasure and may be molded by the tastes of the audiences—to be rendered sufficiently permanent to fulfill its task of creating psychological and social *symphônia*? Plato's answer is the inscription and sanctification of songs and dance postures on temples walls, an Egyptian technology to forestall artistic 'innovation' (καινοτομεῖν, 2.656e2).[86] Much has been written on Plato's use of Egyptian consecration (mostly in reference to Magnesia's law code, cf. 10.890e–891a) and its indebtedness to Athenian practices of legal inscription—even though Plato's recourse to Egyptian consecration underscores what he believes to be absent in Athens (namely, a stable medium to memorialize song and dance forms).[87] We shall only discuss Egyptian inscription briefly to make two points, the first concerning the *Laws*' intertextual relationship to the earlier Platonic corpus. When Plato argues that Egyptian inscription may be utilized to stymy poetic and dance innovation, the critique of writing in *Phaedrus* 275d–e, also etiologically attributed to Egyptian religion, forms one important subtext—as it does for Plato's approach to written law.[88] Socrates in the *Phaedrus* analogizes writing to painting; the written word appears alive, but when asked to address a question, like a sculpture or frieze that keeps a religious silence, it has no answer. Instead, the text is trundled about, speaking the same thing inveterately and indiscriminately; it is the orphaned word, a medium with a fixed message in need of a father and otherwise unsuitable for philosophical inquiry. Its effects are also deleterious to its audience; students who rely on the written word will acquire an appearance of wisdom but sacrifice memory; they will seem to know much

but will have forgotten more and thereby have missed genuine knowledge (*Phaedr*. 275a–b). Thus, it is remarkable that the very qualities that make written discourse an inadequate instrument for philosophical dialogue in the *Phaedrus* also render inscription the ideal starting point for what Rutherford has described as the *Laws*' "invariant *mousikê*."[89] Plato redeploys the criticisms from the earlier dialogue to supply the conceptual basis and the tools for a system of songs and dances that reliably communicate values that lead to a life of virtue.[90]

This brings us to the second point, regarding creativity and stability, which appears to run counter to the first: Plato introduces Egyptian inscription into the *Laws* as proof of the possibility of fashioning a permanent performance culture, not as a statement of the desirability of permanence for its own sake.[91] Although the *Laws* exhibits a profound antipathy toward novelty in general, and although that antipathy often targets Athenian poetic innovation in particular, Plato nowhere offers a blanket prohibition against artistic variance. Plato is concerned not merely with the prospect of the introduction of new songs and dances but also the moral degradation that, he believes, attends poetic novelty (cf. 3.700a–e, 7.797b–798d). In other words, formal stability in itself is as not an indicator of virtue. As much is registered in the Athenian Stranger's response to Kleinias's marveling at the longevity of Egyptian artistic forms:

> [The Egyptian custom of inscription is] exceedingly suited to legislation and to the *polis*. But, there you would also find other things disgraceful (ἀλλ' ἕτερα φαῦλ' ἂν εὕροις αὐτόθι). This much, at least, about the music is true and worthy of thought: it was possible to be firm and bold (βεβαίως θαρροῦντα) about such things, and mandate in law songs that are by nature correct (μέλη τὰ τὴν ὀρθότητα φύσει παρεχόμενα). This would have to be the work of a god or someone divine—even as they claim there that the songs which have been preserved for this long time were the poetry of Isis. So, as I said, if someone could grasp in any way what is correct in these things, he ought boldly (θαρροῦντα) to order it in law. The search, dictated by pleasure and pain (ἡ τῆς ἡδονῆς καὶ λύπης ζήτησις), for a music that is continually new brands the sanctified choral performance 'old-fashioned' (ἀρχαιότητα); but this will not have a very corrupting effect on choral performance that has been made sacred (καθιερωθεῖσαν χορείαν). In that land, at any rate, it has probably had no corrupting power; entirely the contrary. (2.657a4–b8)

Plato is notably ambivalent regarding the culture upon which he leans. On the one hand, that Egypt has 'consecrated chorality' (καθιερωθεῖσαν χορείαν) should embolden the lawmaker 'firmly and confidently' (βεβαίως θαρροῦντα) to legislate against novelty. Moreover, Plato's approbation of monumental Egyptian dedicatory practices is inflected with a particular kind of politics. As Vasunia suggests, "the publically written text in Athens evokes the notional openness of Athenian democracy, and the monumental inscription put up by barbarians such as the Egyptians signifies the tyrant's power."[92] The kind of inscription Plato valorizes in the *Laws* belongs decidedly in the latter, tyrannical tradition.[93]

If Egyptian inscription is symbolically associated in Greece with nondemocratic forms of social and political order, it is also coeval with distinct modes of performative discourse. The written word, Vasunia observes, is regarded in Greek representations of Egypt and Egyptian culture as having a divine immanence that is alien to Greek poetry:

> [Thoth's] connections to writing activities are in many respects more immediate than the Greek gods' ties to writing, and in contrast to the Greek gods who *inspire* their poets to the heights of literary creativity, Thoth actually *writes* texts and functions as an "author," and does not stimulate people to write. In Egyptian texts, divine authorship occasionally replaces scribal authorship.[94]

The question of authorship, which, Vasunia shows, resurfaces in ancient Greek explorations of Egyptian writing, goes to the very core of Plato's use of inscription. Indeed, it is the question with which the dialogue opens: whether to attribute the law code to god or man. For our purposes, what should be emphasized regarding the nature of Egyptian writing is that by privileging inscription Plato is not only making recourse to an alien textual culture; he is also relying on an alternative model of performativity. The mythological tradition associated with Thoth, whose appearance in the *Phaedrus*, we have observed, undergirds this passage as well, grants the consecrated word a kind of performative efficacy: the god's scribal activity is understood as executing the performative function of maintaining cosmic order and balance.[95] Plato is thus involved in a negotiation of the politics of two, antithetical and competing forms of performativity, one an Athenian model that allows the pursuit of pleasure and pain (ἡ τῆς ἡδονῆς καὶ λύπης ζήτησις) to shape the written word, the other in which the permanent, divine word orders the material and political cosmos. At stake in the use of inscription is the basic framework within

which sung words and dancing bodies can do politically relevant things. Egypt inscription figures as a corrective to contemporary currents in—implicitly Athenian—choral innovation, in which pleasure determines artistic trends, a corrective designed to counteract orality in of all its caprice and variegation.[96] It is perhaps because Plato represents *mousikê*, like spoken utterance, as inherently unstable that he never proposes the singing of laws, instead modeling the sung word on the Egyptian performative written word, not vice versa.

Yet, on the other hand, Plato's assessment of Egyptian culture is qualified in important ways.[97] The Athenian Stranger's warning that despite Egypt's invariant muse one "would find other base things there" (ἕτερα φαῦλ' ἂν εὕροις αὐτόθι) decouples artistic permanence from moral rectitude. Although Egypt may have devised a brilliant scheme for keeping the city free of new poetic forms and although Egyptians legislators once apparently reached the same conclusions as the interlocutors in the *Laws*—that is, that youth should be trained in noble songs and dances—this provides no guarantee that the *melê* and *skhêmata*, however permanently etched on temple walls, are devoid of ethically corrupt values. Inscription, in other words, is a neutral device, an ideologically freighted but epistemologically empty vehicle for conveying ideas that may or may not express truth.

Moreover, Plato insists that Magnesia's performances must be irresistibly innovative to induce a passionate attraction toward representations of genuine virtue. Kleinias argues that only in Crete and Sparta are poetic and song traditions unchanging and therefore ethically appropriate; in other cities, artistic forms are governed and perpetually "altered not by law but disorderly pleasures" (οὐχ ὑπὸ νόμων μεταβαλλόμενα ἀλλ' ὑπό τινων ἀτάκτων ἡδονῶν, 2.660b6–7). Although Kleinias rightly identifies disorderly pleasures (ἀτάκτων ἡδονῶν) as the efficient cause of generic innovation, he mistakenly conflates stability of genre, tastes, and pleasures with artistic correctness. Plato, however, does not regard artistic innovation as inherently defective; one of the basic functions, for example, of the Chorus of Dionysos is to promote musical novelty:

> . . . every man and child, free and slave, female and male—indeed, the whole city—must never cease enchanting (ἐπᾴδουσαν) itself with the things that we have described, which must in one way or another be continually changing (ἀεὶ μεταβαλλόμενα), in every way presenting variety (πάντως παρεχόμενα ποικιλίαν), so that the singers will have an insatiable desire (ἀπληστίαν) for and pleasure (ἡδονήν) in their hymns. (2.665c2–8)

Halliwell suggests that *Laws* 2.665c "is a rare concession for the need for some *poikilia* in the experience of art," but his assessment, like Kleinias's, discounts the centrality of regulated artistic innovation in Magnesia's performance culture.[98] Benardete's interpretation is closer to the spirit of Plato's artistic program: "Nothing could show up better [Kleinias's] complete misunderstanding of the Stranger's reflections on Egyptian art than the Stranger's present acceptance of musical novelty."[99] Peponi has argued that 'insatiability' (*ἀπληστίαν*) in this context is overdetermined with sensual and sexual significance; it frames choral "pleasure as an almost physical gratification that obeys the laws of bodily consumption and the process of emptying out and replenishment. It is as close as we can get to the choral performer's pleasure as a means of satisfaction similar to that [which] one finds in lovemaking, eating, or drinking."[100] If Peponi's observation is right, 2.665c gestures back to Plato's definition of education as instilling an erotic desire to become a perfect citizen. Innovative, hymnic performance in Magnesia will arouse an almost libidinal pleasure in virtuous representations. Plato's poetic and dance regulations co-opt not just the arts of the Muses, but artistic innovation itself, conceptualized as emerging from and engendering an erotic disposition in the soul.[101] Advances in form that conduce to the right kinds of pleasure are an essential feature of Magnesia's performance culture; the educative power of *mousikê* depends on perpetual, hedonic novelty within established and appropriate models.

That Egyptian artistic traditions, however admirably indelible, may nevertheless prove to be base is a reminder that Plato regards poetry and dance as discursive media that make specific arguments. A common criticism in the *Republic* and *Ion* stems from Plato's treating poetic language, Halliwell observes, as "constative, declarative discourse—discourse 'about' (*peri*) the subjects it deals with"—that is, as arguments to be judged by the standards of "systematically informative truth."[102] In Books II–III and X of the *Republic*, Plato portrays poetry as a faulty form advancing false claims, an instrument of (mis)representation incapable of communicating accurate knowledge of the objects it appears to represent. Poetry remains three removes from the truth; it contains imitations of mere images of virtue, never communicating accurate knowledge of the Forms, which may be apprehended only by philosophical dialectic (*Resp*. 10.597e–598a, 10.600e–601a). The mistaken ideas and beliefs conveyed in mimesis are in part the result of defects in the vehicle of communication itself; poetry's sensual harmonies and rhythms appeal to the lower parts of the soul, causing them to rebel against the soul's reasoning faculty (*Resp*. 10.603c–606d). The more pleasing the poetic form is to the base parts of the soul, the more the lower passions are strengthened and

the less likely such poetry is to offer accurate representations of virtuous persons behaving virtuously. Poetry thus conceived constitutes a misguided body of claims contained within an equally flawed technology of pleasing language, harmony, and rhythm, which, once internalized by the performer or audience, promotes psychological disharmony.

The *Laws*, by contrast, is more optimistic that poetry, music, song, and dance may be refashioned as instruments of virtue and education. Compelling rhythms and harmonies, innovation, and *poikilia* may be utilized to inculcate a disposition toward pleasure in the right kinds of *mousikê* and the right kinds of behavior. But *mousikê* can be a medium of true claims only if it broadcasts the right kind of arguments; its message must match its medium.[103] The issue comes to the fore when the Athenian Stranger rebuts Kleinias's eulogy of Spartan and Cretan song traditions with an extended exegesis of Tyrtaeus that pits the basic ethical claims of Doric culture argument against the *Laws*' foundational ethical doctrines and exposes militant Laconism as a misinterpretation of virtues (1.629a–630d).[104] The Athenian Stranger insists, against the Spartan choral tradition, that poetry ought to argue that it is better for the unjust to suffer than to avoid deserved punishment; that a life without virtue is in no way happy; that the virtue and vice of any possession depends on the virtue or vice of the possessor; and that the good man is 'happy' (εὐδαίμων) and 'blessed' (μακάριος), regardless of whether he is rich, famed, or strong, simply because he is 'moderate and just' (σώφρων ὢν καὶ δίκαιος, 2.660d3):

> We say that these things, beginning with health, are all very good when possessed by just and pious men, but all very bad when possessed by unjust men. To see, to hear, to perceive, and, in general, to live as an immortal for the whole of time, while possessing all the things said to be good except for justice and the whole of virtue (πλὴν δικαιοσύνης τε καὶ ἀρετῆς ἁπάσης), is the greatest evil. The evil gets less as the time such a man continues to live gets shorter. Now you two are going to persuade and compel your poets to say the things I've been saying, I suppose; in addition, they must furnish rhythms and harmonies that go along with this (ἑπομένους ῥυθμούς τε καὶ ἁρμονίας), and thus educate your young. Or is this not so? See what you think. To speak plainly, I say that the things said to be 'bad' are good for unjust men and bad for just men, while the good things are really good for good men but bad for bad men. (2.661c5–d4)

The argument against which the Athenian Stranger evaluates Doric song traditions is what some philosophers have called the 'dependency thesis': the claim that the goodness of external so-called goods depends upon whether the possessor is him- or herself in possession of virtue.[105] Thus, beneath the interrogation of Tyrtaeus lies a debate not over whether Doric genres are sufficiently stable (as Megillos and Kleinias believe), but whether the Laconizing ethos among Plato's contemporaries consists of truthful claims, and whether it deserves a place in the poetic discourse of the second-best city. It is a debate that pertains to the arguments, rather than the formal stability, of poetic genre, to the ideas that poetry promotes, rather than the artistic form those ideas inhabit. In Plato's view, content and form are inextricably intertwined; accurate ethical claims are attended by unique harmonies and rhythms (ἑπομένους ῥυθμούς τε καὶ ἁρμονίας). My suggestion is that Plato's obsessive commitment to formal invariance is attributable to the belief that certain harmonies, rhythms, and postural forms are essentially and naturally affiliated with specific truth claims; by consecrating genuinely fine *melê* and *skhêmata* on temple walls, Egyptian inscription will ensure that Magnesia's artistic cannon will present aestheticized, yet accurate "constative, declarative discourse"—true ethical arguments regarding virtue and value rendered in sensual and pleasing form.

In one of the rare moments of divisive dialogue in the *Laws*, Kleinias refuses to admit that the man who is strong, beautiful, and wealthy, who lives as he pleases and proves himself unjust and hubristic, has lived 'badly' (κακῶς), 'without pleasure' (ἀηδῶς), and 'without profit' (μὴ συμφερόντως, 2.661d5–662a8). Kleinias's recalcitrance leads the Athenian Stranger to restate his position more forcefully with a monologue whose pragmatism shuts out contrary ethical views:

> [You would agree with me], my friends, if some god were to give us consonance (συμφωνίαν)—for now, at any rate, we are virtually out of harmony with one another (ἀπᾴδομεν ἀπ' ἀλλήλων). For to me, dear Kleinias, these things appear more necessary than the proposition that Crete is manifestly an island; and if I were a legislator I would try to compel the poets and everyone in the city to speak in this way: I would lay down almost the gravest penalty (ζημίαν . . . μεγίστην) for anyone in the territory who should say that there are some human beings who were once wicked but live in a pleasant way, or who said that some things are profitable and gainful while others are more just. I would persuade my citizens to say things that are different from the things

> that are said now, it appears, by Cretans and Lacedaimonians—and by the rest of mankind too, doubtless. (2.662b1–c5)

The Athenian's recourse to musical terminology (συμφωνίαν, ἀπᾴδομεν) calls attention to the notion of education as the concord of the passions with calculation and of youth with the elderly, echoing the larger project of Book II to make of poetic discourse a vehicle for accurate beliefs and a mechanism of social cohesion. Plato's harmonic language also has metatextual significance; it provides commentary on the harmonization of voices and perspectives that comprise the philosophical dialogue as a literary genre. In the conversation that follows, which bares uncanny resemblance to the Noble Lie of the *Republic*, the Athenian Stranger argues that the poetry of the ideal state must repeat truthful claims regarding the nature of virtue, irrespective of whether the lawmaker himself subscribes to those claims.[106] The Athenian Stranger ventriloquizes Zeus, Apollo, and an unnamed ancestral legislator to argue that, although the interlocutors may disagree on the nature of virtue, they must for prudential reasons convince the citizens that the just life is the most pleasant; the claim that the unjust life is more 'base' (αἰσχίω), 'ignoble' (μοχθηρότερον), and 'more lacking in pleasure' (ἀηδέστερον) than the just life will prove to be the most expedient deception to convince the youth to be just (2.662e5–66e7). Just like rituals, dramas, and other performative genres, the *Laws* presents and represents itself as a *symphônia* of genres, media, voices, and arguments, each contributing its own generic message to the message conveyed through it.

With Egyptian consecration and the rewriting of the 'content' of poetry and dance so that it affirms the 'dependency thesis' Plato has answered to his own criticisms of poetry's seductive form and misleading argument in the *Republic*. Inscription allays concerns that conflicting ethical beliefs will hijack mimetic art, and Plato further adds a Chorus of Dionysus and judges to revise new and old compositions and to decide which texts to permit within the ideal state.[107] However indispensable a role such critics and judges play in maintaining the city's established standards, the problem of the form and message of mimetic art has been dispelled early in the dialogue. This is not to suggest that mimesis ever becomes unproblematic for Plato; later passages betray anxiety regarding whether the mechanisms and regulations designed to tame poetry, music, song, and dance will remain in place (8.829d–e). But through inscription and the promise of legislating the constative, declarative claims made by representational art, as well as through punitive institutions (ζημίαν) to ensure that performance conforms to the inscribed models, Plato

has devised the instruments that he believes are necessary to rehabilitate Athenian performance culture, the basic institutional and theoretical structures for *mousikê* as a medium for the values and beliefs that undergird Plato's political philosophy.

1.7 Conclusions

We have, then, come full circle: two cities—Athens and Magnesia—each promoting regimes of pleasure, beliefs, and claims of truth in *mousikê* that are manifest in politics. This chapter has offered an account of the philosophical view—starting from the psyche and building to the *polis*—that, Plato believes, makes the first city possible and the second necessary. Because virtue requires *symphônia*—a concord of the passions with calculation and the youth with the elderly—and human beings, qua human, take pleasure in producing, spectating, and listening to ordered motion and sound, performance becomes the means to connect the individual, whose ethical and aesthetic dispositions appear constituted in isolated performative acts, to the *polis*. For Plato, the common thread in a city's culture and its politics is the workings of the soul, drawn by pleasure and pain, hopeful and fearful expectations, and the divine cord of calculation. Individually, the soul's disposition and beliefs take shape in practices of performance; in aggregate, the habituated dispositions of the souls that together form a community become manifest in the kinds of political institutions that it establishes. If Athens gets performance and politics wrong, Plato nevertheless discovers in Athenian *mousikê* something of tremendous value; for if it is possible to fashion a permanent performance culture that promotes the enjoyable affirmation of reason and law, Plato insists, poetry may become what it is not in the *Republic*—both pleasurable and therefore beneficial in life and the *polis*.

The *Laws*' approach to the making of a philosophically informed performance culture must also be contextualized in the fourth-century intellectual climate. We observed in Section 1.2 that Athenian aristocratic writers sought to imagine new conditions governing performative discourse, novel social arrangements in which speech that lacked currency in democratic Athens might become felicitous, and that unique to the *Laws* is the casting of dissent in musical terms. The *Laws*' novel moral psychology and Plato's about-face with respect to the role of pleasure and mimetic art in the life of virtue present a new twist in the literature of political dissent. Egyptian inscription shows how performative genres might be rendered both pleasurable and

resistant to democratization. Plato's insistence both that genres may crystalize appropriate ethical dispositions toward pleasure in the soul and that the arguments made by poetry may be made consonant with, for example, the dependency thesis reveals the kinds of discourse that might be made felicitous and gain currency in the right—or righted (*orthos*)—performance culture. Subsequent chapters lead through Magnesia's system of genres, a revisionist imaginary of Athenian performance culture, and in the next chapter, we turn to another kind of performer and performative speech act: the Chorus of Dionysos, whose sympotic pronouncements of literary judgment are to the pleasurable choral festival what calculation is to the passions, the supervenient presence of rationality.

2

The Chorus and the Critic

LITERARY CRITICISM, THEATROCRACY, AND THE PERFORMANCE OF PHILOSOPHY

2.1 Introduction

To craft a performance culture that is irresistibly pleasurable and innovative, yet that remains indelibly permanent, inspires a sensual delight in the phenomenal properties of virtue, and without fail communicates truthful claims regarding the most desirable life in aesthetically appealing language and harmonies, and to do so relying solely on choral genres, poetic traditions, and technologies of cultural memory and literary commemoration available in fourth-century Athens—this is the task Plato sets himself in the *Laws*. In the previous chapter we observed that Plato's novel moral psychology enables the co-optation of dimensions of Athenian performance culture deemed irremediable in the *Republic*, and that Egyptian monumental dedication ensures the longevity of Magnesia's literary canon and dance forms. The next chapter turns, *inter alia*, to Plato's efforts to identify and retrofit for the second-best city many of the genres that define the Athenian literary landscape. But, of course, this begs the question of how one is to identify virtuous poetics, ethical dance forms, and morally edifying rhythms and harmonies in the first place. What kinds of knowledge and—since the project of the *Laws* is to envisage an ideal *polis*—what kinds of social and civic institutions are available in antiquity to make such identification possible?

Plato's answer is to articulate rigorous standards of literary criticism and to entrust Magnesia's performance culture to a Chorus of Dionysos, a body of bibulous musical experts whose knowledge of mimetic art, keen aesthetic perception, and habituated disposition toward pleasure make them appropriate judges of poetic, musical, and dance excellence. Taking the Chorus of

Dionysos as its central focus, this chapter traces Plato's invention of literary criticism as a form of knowledge and as a social and civic institution, a wedding of archaic and classical critical practices to philosophical criteria of evaluation that are independent of contexts or genres of performance. It argues that Plato in the *Laws* fashions a philosophically informed model of criticism, at once performative and theoretical, to extend the city's political and ethical principles into diverse contexts of performance and literary consumption. The prominent role that literary criticism plays in the *Laws* is necessitated (and complicated) by Plato's approach to the making of a second-best city, an endeavor that presupposes the retention of extant customs, institutions, and artistic forms; because the *Laws* seeks to integrate genres of poetry that are potentially hostile to its utopian project, it gives special attention to literary criticism as the principal means by which to regulate the city's musical repertoire. Indeed, the performance of literary criticism is conceptualized in the *Laws* as the authoritative form of performative discourse in and on *mousikê*; this chapter thus examines Magnesia's central musical and poetic institution and the kind of knowledge that, Plato suggests, might redeem the arts of the Muses.

By 'literary criticism' I mean practices of judging, commenting on, or interpreting primarily poetry (whether written or performed) but also music, song, and dance, according to (often loosely defined) criteria, for example, of aesthetic excellence or appropriateness, customarily conducted by persons who are neither poets nor performers of the works being judged. Because ancient poetry often presupposes performance, and much of what is now considered literature (the written text) was set to and enjoyed with musical accompaniment in antiquity, a definition that separates the poetic word ('literature' in the strictest sense) from the musical scoring is problematic in classical Athens. Nor was 'criticism' in the fourth century a homogeneous phenomenon. The notion of literary judgment as a discrete, technical art or genre of evaluation had yet to become differentiated from other forms of poetic and musical judgment.[1] Criticism instead consisted of numerous models of judgment often (though not exclusively) grouped under the term *krinein* and its cognates, each executed by various types of judges (*kritai*) within distinct civic and social contexts. 'Literary' and 'criticism' are thus defined capaciously, aggregating aspects of ancient poetic art—word, music, and, where appropriate, song and dance—and models of judgment customarily disaggregated in contemporary usage.

Literary criticism, like poetry, has a culturally specific and ideologically laden history, one that presents its own impediments to the making of a

second-best city. From its 'dark' origins in the archaic period to the codification of genres in the fourth century, the history of literary criticism is often told as the process whereby performative paradigms of judgment were replaced by philosophical standards of criticism.[2] At one end, stands what Ford has characterized as a 'Heroic' model of criticism: aristocratic pronouncements of judgment over poetic performances, often in contexts of competition or commensality.[3] Criticism, here understood in sociological terms, follows the ritualized patterns of elite verbal performance in non-poetic contexts. Homer in *Odyssey* 1.358, for instance, represents declarations of poetic judgment as *mythos*, a speech act that constitutes the speaker's social authority.[4] As such, the archaic, Heroic model of criticism is a genre of performance in its own right, one that affirms the principles and values of aristocratic culture.[5] At the other end stands the philosophical movement of the fourth century. Catalyzed by the emergence of oratory, sophistry, and teachers of rhetoric, fourth-century philosophers devised criteria of judgment, couched in the language of *mimesis*, that were typically ethical, occasionally aesthetic, and had little to do with performances of authoritative speech.[6] By the late fourth century, the very object of criticism appears to have evolved; Aristotle, for instance, theorizes poetry as texts to be appreciated through reading and recitation, unimpeded by visual display (*opsis*) and roisterous public performance. The nature of criticism also underwent a parallel transformation; writing displaced elite commensal pronouncements as the primary medium of literary assessment; and criticism was no longer viewed as a performative demonstration of social authority.[7] Pride of place in the processes of critical transformation belongs to Plato. Plato was acutely sensitive to the disquieting power of live, embodied performance, and by assailing the cultural authority of the rhapsode in the *Ion* and subjecting mimetic art to philosophical critique in the *Republic*, the dialogues lays the groundwork for conceptualizing criticism as the evaluation of poetry according to philosophical standards independent of particular works and contexts of performance.[8]

Another layer of complexity emerges from the particular civic spaces in which ancient literary judgment occurred and which are the foci in the *Laws*' negotiation of the fourth-century critical tradition: the symposium and theater. Plato in the *Laws* programmatically effaces the distinctions between the two, classifying each as subspecies of *heortai*, Dionysiac rituals of conviviality and commensality. Indeed, Plato avoids the term *symposion* and its cognates, opting instead for a variety of periphrases, variations on the generic *synousia en oinôi* ('associations in wine') or the distinctly Doric *syssitia* ('communal meals').[9] As Belfiore has suggested, "Plato [in the *Laws*] based his symposia on the

traditional Greek concept of Dionysos in all his manifestations. He did not model them solely on the kind of informal convivial banquet portrayed in his *Symposium*."[10] While nodding to his Laconizing readership, moreover, Plato's generalization of *symposion, syssition*, and *synousia* is also in keeping with what the Athenian Stranger refers to as the 'right method' (*orthê methodos*) of cultural analysis: that is, treating institutions (*epitêdeumata*) as they appear in ideal form rather than in particular societies (cf. 1.638c–640a). Doing so allows Plato to reimagine a civic theater culture revised in philosophical terms and to avail himself of elements of convivial and commensal ritual unencumbered by connotations of aristocratic debauchery and pederasty with which symposia and *syssitia* were respectively freighted.[11]

Although Plato treats the symposium and theater as coeval manifestations of Dionysiac ritual, tensions between the institutions are most pronounced precisely in terms of their political valence and the paradigms of literary criticism they enable. Forms of literary judgment were a long-standing fascination in ancient Greece and by the fourth century had become a site of contentious debate. That Aristophanes and Cratinus, for instance, stage intertextual parodies of the going theatrical trends bespeaks an audience preoccupied with questions of literary taste, as does Athenian investment in the staging of dramatic festivals and selection of judges.[12] Some practices of criticism that emerged in the fifth and fourth centuries (for instance, those that Plato condemns as *theatrokratia*, 3.701a3) were associated with the democratic theater and were amenable to democratic politics.[13] Others, such as those that Plato and Xenophon portray as occurring within sympotic conversation, are conceived of by writers whose literary ventures are expressions of political dissent, models of thought and valuation elaborated in opposition to contemporary political and especially democratic culture and ideology. The symposium itself, moreover, was hardly an ideologically uniform and homogeneous institution; it was, rather, a variegated social and discursive space, authorizing heteroglossic critical voices, one that captured and replayed the tensions of elite, agonistic culture; competitive interpretations of poetry and performance, for example, in Xenophon's *Symposium* and Plato's *Protagoras*, suggest that criticism in the symposium was not only a locus of elite dissent against democratic values; it also operated as a proxy battle between philosophers and sophists over the nature of legitimate knowledge, that is, over *philosophia*. As Wohl argues, Socrates' criticism of dance performances in Xenophon's *Symposium* articulates a notion of homoerotic, antidemocratic, and philosophical *kalokagathia* against the Syracusan's performance of *erôs*, which the text brands and thereby discredits as heteroerotic, demotic, and, we add, sophistic.[14]

Such distinct modes, contexts, and politics of literary criticism place unique demands upon the judge and on the philosopher seeking to appropriate the institutions of criticism. Pronouncements of judgment in the pandemic theater are so unlike poetic analysis in elite symposia as to require tailored critical lexica, standards of artistic merit, methods of evaluation, and psychological states. Although Plato is often (and rightly) regarded as a proponent of philosophical, sympotic, and elite forms of literary judgment, the central contention of this chapter is that the synthesizing of archaic and theatrical, performative and theoretical, elite and demotic models of criticism is essential to the performance culture envisioned in the *Laws*. The *Laws*' chief contribution to the critical tradition is the conceptualization of the institutions and theoretical framework to bridge theatrical and sympotic, demotic and elite, performative and philosophical models of judgment and to treat the two as interdependent forms of *krisis*. The linchpin in this system is the recasting of performative pronouncements of judgment in the theater as performances of a philosophy of *mousikê* invented in the symposium.

The approach to criticism taken in the *Laws* is offered as a corrective to Athenian theatrocracy, a model of literary and critical history gone awry. The following section (2.2) of this chapter thus examines Plato's account of Athenian generic history and theater culture in 3.700a–3.701c as the antitype against which the second-best city's practices of criticism are developed. Section 2.3 focuses on the *Laws*' inquiry into the moral psychology of theatrical judgment and the development of a model of criticism in the theater as the performance of philosophy. Section 2.4 treats the Chorus of Dionysos, whose quasi-mathematical knowledge of harmonics and the metaphysics of mimetic art, articulated in the symposium, supplies the city's authoritative critical discourse.

2.2 Critical Errors: Genre, Theatrocracy, and the Unideal City

At the end of Book III, Plato attributes the rise of democracy to the Athenian theater; the emergence of novel poetic genres, he argues, has led to constitutional change and has triggered a cyclical devolution of political regimes from aristocracy to democracy and ultimately a return to primitive anarchy:[15]

> Music at that point was divided according to its own forms (εἴδη) and postures (σχήματα). One form of song was prayers to the gods, called

hymns by name; opposite to this was another form of song—mostly called dirges; paians were another; another, about the birth (γένεσις) of Dionysos, was called dithyramb. They gave the name 'nomes' to another kind of song, and called them kitharodic. With these and certain others arranged separately, it was forbidden to employ one form of song for another. The authority (κῦρος) to know these things and, on the basis of this knowledge, to pass judgment (γνῶναί τε καὶ ἅμα γνόντα δικάσαι) and to punish (ζημιοῦν) the disobedient (τὸν μὴ πειθόμενον), was neither the pipe (σύριγξ) nor the unmusical cries of the masses (ἄμουσοι βοαὶ πλήθους) as is the case now, nor praise-giving applause (κρότοι ἐπαίνους ἀποδιδόντες). Instead, it had been decreed (δεδογμένον) by those concerned with education (τοῖς μὲν γεγονόσι περὶ παίδευσιν) that they themselves should listen in silence to the end (μετὰ σιγῆς διὰ τέλους); the admonition of the restraining staff was reserved for the children, the teachers, and the crowd (παισὶ δὲ καὶ παιδαγωγοῖς καὶ τῷ πλείστῳ ὄχλῳ ῥάβδου κοσμούσης ἡ νουθέτησις). In these matters, the mass of citizens wanted to be ruled (ἤθελεν ἄρχεσθαι τῶν πολιτῶν τὸ πλῆθος) thus in an orderly manner and did not dare judge through uproar (τολμᾶν κρίνειν διὰ θορύβου).

But later, as time passed, poets became rulers, leaders of unmusical lawlessness (ἄρχοντες μὲν τῆς ἀμούσου παρανομίας), and though they were poetic by nature (φύσει μεν ποιητικοί), they were ignorant of what is just and lawful in music (ἀγνώμονες δὲ περὶ τὸ δίκαιον τῆς Μούσης καὶ τὸ νόμιμον). In bacchic frenzy (βακχεύοντες) and possessed by excessive pleasure (μᾶλλον τοῦ δέοντος κατεχόμενοι ὑφ' ἡδονῆς), they mixed dirges and hymns, paians and dithyrambs. They mimicked the songs of the *aulos* with the songs of the *kithara* (αὐλῳδίας δὴ ταῖς κιθαρῳδίαις μιμούμενοι). They confounded everything with everything else. Through their mindlessness (ἀνοίας) they unwillingly (ἄκοντες) bore false witness (καταψευδόμενοι) against *mousikê*, as though it were a thing with no form of correctness (ὀρθότητα), and as though its correctness should be judged by the pleasure of the one who enjoys it (ἡδονῇ δὲ τῇ τοῦ χαίροντος . . . κρίνοιτο ὀρθότατα), regardless of whether he is better or worse.

In making such poems and reciting such speeches, they inspired in the masses lawlessness in *mousikê* (παρανομίαν εἰς τὴν μουσικήν) and a sense of daring (τόλμαν), as though they were equipped to pass judgment (κρίνειν). Because of this the once silent theaters became full of voices (τὰ θέατρα ἐξ ἀφώνων φωνήεντ' ἐγένοντο), as though the audience understood what is fine and beautiful in music and that which

> is not (ὡς ἐπαΐοντα ἐν μούσαις τό τε καλὸν καὶ μή); and rather than an aristocracy in music, there developed a debased rule of the spectator (ἀντὶ ἀριστοκρατίας ἐν αὐτῇ θεατροκρατία τις πονηρὰ γέγονεν). Yet, if a democracy of free men had occurred only in music (καὶ δημοκρατία ἐν αὐτῇ τις μόνον ἐγένετο ἐλευθέρων ἀνδρῶν), the development would not have been so terrible (δεινόν). But now among us it was from music that lawlessness and everyone's belief in his own universal wisdom arose (ἐκ μουσικῆς ἡ πάντων εἰς πάντα σοφίας δόξα καὶ παρανομία); liberty (ἐλευθερία) followed. (3.700a9–701a8)[16]

This passage, which figures prominently in discussions of the politics of the Athenian theater, tells two parallel stories: the first concerns the history of Athenian genres and the psychological condition of the Athenian citizen that that history reveals; the second may very well constitute the first history of literary criticism in Western literature. We return to the second history below; here we focus on a question raised by the representation of Athenian generic morphology: Why does Plato choose genre—and these genres in particular—as the interpretive prism through which to analyze the development of Athenian democracy?

Some commentators have inferred that Plato has in mind tragedy as his implicit target.[17] The suggestion that theatrocratic performances pander to the pleasure of the audience is consistent with criticisms of tragedy in *Republic* X and especially *Gorgias* 501e–502b, where it is classified as a form of *kolakeia*. Generic cross-contamination is, moreover, among tragedy's distinctive attributes. One of the reasons, as Most observes, that tragedy receives such attention now and in antiquity ". . . may partly be due to the fact that in the Classical period, tragedy itself was a recent invention (however ancient its lost, primitive roots) that polymorphically juxtaposed all earlier and contemporary poetic genres, and hence was itself visibly obsessed . . . by the question of its own generic status."[18] Along the same lines, Swift has argued that tragic poetry from its inception aggregated the generic markers of the archaic poetic tradition, constituting "a particularly voracious genre, adept at incorporating and referring to other forms."[19]

When Plato worries over the illegality of the *genê* in choral and poetic performance, the specter of tragedy may therefore lurk very near beneath the surface of his criticisms, but, Plato nowhere mentions tragedy explicitly in this passage—an omission that is surely pointed. While few ancient genres rival tragedy's habit of devouring other literary traditions (aside, perhaps, from epic, comedy, and the philosophical dialogue), it is not clear that Plato's

criticisms are aimed at any single genre. Novel forms, Plato suggests, do not emerge from the paranomic confounding of aristocratic *skhêmata* and *eidê*, and he seems not to regard the hybrids that characterize the Athenian theater as discrete, legitimate forms in their own right. Once generic orderliness dissolves, the result is sheer cacophony and semiotic conflation, not a new genre or system of normative poetic forms.

That Plato refuses to specify a single genre as his target has led other commentators (more persuasively) to conclude that Plato has a wider, more diffuse artistic trend in mind: the fourth century's purported cultural decline and the rise of the New Music.[20] Kowalzig, for instance, has made a convincing case for viewing the *Laws*' commentary on generic dissolution as a response to the particular conditions of fourth-century chorality, an era in Athenian poetic history in which the common trajectory among numerous genres, especially *hymnos* and dithyramb, trends toward diachronic discontinuity and synchronic convergence.[21] Despite the paucity of extant fourth-century poetic texts, commentators generally agree that sharp generic divisions, for example, between dithyramb and paian, had begun to dissolve, each increasingly resembling the other's form and migrating into each other's respective performance scenarios.[22]

The target of Plato's criticisms may indeed embrace an entire cultural and musical development, but to appreciate the argument that subtends Plato's generic history, as well as to understand what precisely is defective in generic hybridity, it is perhaps necessary to defamiliarize some of the claims in this deservedly well-known but arguably peculiar representation of Athenian theatrical history. For one, it is often thought that Plato has his generic chronology wrong; the kinds of artistic trends treated as perversions of ancient forms are well established more than a half-century prior to the composition of the *Laws*, for example, in Timotheus and Euripides; by the middle of the fourth century the New Music was in many respects old.[23] But in the *Laws*' history of genre the artistic movements Plato decries precede even the earliest historical reconstructions of the New Music. Plato's account suggests that the evolution of genres and the rise of theatrocracy *caused* and must therefore *antedate* the emergence of political democracy, which he, like his contemporaries, places immediately after the Persian Wars; in other words, for Plato, the New Music is a late sixth- or early fifth-century—not a fourth-century—phenomenon.[24] More strikingly, the choice of genres is curious for its order and for what it includes and excludes. Dithyramb had become increasingly preeminent as a source of poetic and auletic innovation in the late fifth and mid-fourth centuries—it is the New Music genre par excellence—but in the *Laws* it is listed among

the pre-democratic, aristocratic forms.[25] Although approved in both the *Republic*'s and Magnesia's artistic repertoires, encomium appears nowhere in Athens's aristocratic past or democratic present. Most bizarrely, with the exception of the dithyramb, the genres that Plato represents as essential within the aristocratic Athenian theater were not characteristically performed in theatrical venues, especially during the most recognized civic festivals, the City and Rural Dionysia, and Lenaia; in fact, *hymnos, thrênos*, paian, and *nomos* encompass virtually every performance scenario *but* the Theater of Dionysos. At the same time, the defining genres of the Athenian stage are conspicuously absent; no mention is made of tragedy, as we observed, but comedy and epic also go unnoticed—the whole tribe of mimetic poets, whose genres shaped and were shaped in the Theater of Dionysos. Plato offers a picture of an Athenian theater that specializes in the presentation of non-theatrical genres and an Athenian generic history from which the principal Athenian genres have been excised. More than unhistorical, the oversights must be understood as subversive, particularly given the centrality of epic, tragedy, and comedy in Athenian musical culture, myth, and ideological self-representation, *and* in Plato's criticisms of Athenian performance culture in the *Ion, Republic*, and *Laws*.

The more pressure one applies to the details of Plato's genre history, the less plausibly historical it appears. The point here is not to suggest that there is no evidence for the generic developments that Plato criticizes; the fourth century does appear to have been a period of generic innovation and formal commingling; and evidence outside the *Laws* corroborates Plato's suggestion that theatrical audiences, already noisy and interactive in the fifth century, grew more so in the wake of the fourth-century New Music, signaling the increased prominence of the spectator in the type of theater culture with which Plato would have been familiar.[26] What this points to, however, is that the eclectic generic history at 3.700–701 is not about genres per se, but a theory of moral and political psychology worked out in generic terms. Beneath Plato's engagement with Athenian politics and culture lies a philosophical theory, presented as historical narrative, that motivates and is being articulated as an account of contemporary institutions and artistic developments. It is not accidental in this respect that the language to describe the psychological states of the audience and performers, which ensue upon the merging of genres, echoes the description of the soul as a marvelous puppet, drawn by contrary and irrational counselors (συμβούλω ἐναντίω τε καὶ ἄφρονε), pleasure (ἡδονή) and pain (λύπη), and their attendant expectations, confidence or daring (θάρρος) and fear (φόβος, 1.643cff.). Plato regards shame (*aidôs*) and fear

(*phobos*) as vital principles of ethical and political self-governance, claiming in an earlier passage that *aidôs* is the best counter to susceptibility to pleasure and pain, and must be 'held in the greatest honor' (ἐν τιμῇ μεγίστῃ σέβει, 1.647a9) whereas its opposite, *tharros*, must be "declared the greatest evil in private and in public for everyone" (μέγιστον κακὸν ἰδίᾳ τε καὶ δημοσίᾳ πᾶσι, 1.647b1). Generic change marks the emergence of a new Athenian psychological disposition: excess confidence (τόλμαν), fearlessness and daring (ἄφοβοι, μὴ φοβεῖσθαι διὰ θράσος), devotion to pleasure (κατεχόμενοι ὑφ' ἡδονῆς, ἡδονῇ), irrational inspiration (βακχεύοντες), and shamelessness (ἡ πονηρὰ ἀναισχυντία) (cf. 2.699c–d).

By contrast, the selection of aristocratic genres underscores a set of antitheses that are indicative of psychological and civic order and uprightness. As prayers (εὐχαί) of celebration to the gods, hymns (ὕμνοι) occupy in tone and subject the antithesis to ritual laments (θρήνους), which comment mournfully on human affairs.[27] Paians and dithyramb also emphasize generic polarity, both in relation to the dirges that precede them and to each other. Together, paian and dithyramb honor Olympian divinities and were therefore regarded in antiquity as oppositional to threnody's funerary, chthonic themes.[28] As Rutherford observes, paian was also recognized for its role in "the creation of a sense of political solidarity among male performers, and a common ethos of controlled celebration which characterizes all performances of the παιάν and distinguishes it from other genres"—particularly from threnody, which is characterized by uncontrolled lament evoked by female performers.[29] Characteristically a processional, commensal, or sympotic song performance devoted to Apollo, paian retains associations with healing and purification (the so-called 'apotropaic paian'), military and wedding celebrations ('victory paian'), or a combination of both aspects.[30] Dithyramb, conversely, was performed competitively in Athens by circular choruses of fifty dancers regularly dressed as sileni, its origins related to orgiastic choral song-dance.[31] Dithyramb is thus to be differentiated from threnody by the circularity of its chorus and from paian by the ethos that the gods to which each genre is dedicated promote: the one a native Olympian, a god of healing, prophesy, civic restraint, and male social solidarity; the other a god purportedly of Asiatic and Eastern extraction and associated with social and political subversion, psychological upheaval and release, and (female or feminizing) orgiastic cult.[32] There are also topical, spatial, and sociological contrasts among the genres: while paians often contain an etiology of Apollo's cult and an aretalogy that stresses his adult accomplishments, Plato represents dithyramb as concerned with the birth (γένεσις) of Dionysos; and, whereas dithyramb is strongly connected to

competition, especially during Dionysiac festivals, paian appears not to have been performed competitively or by choruses at major Athenian *heortai*.[33] Another set of antitheses informs the choice of nomes, which are mentioned for the pun on *nomoi* (law) and present contrasts to the previous genres. The first four genres customarily involve groups of singers and dances (that is, revelers or mourners in procession, choruses, armies, symposiasts), but nomes were monodies or purely instrumental melodies, performed solo (when instrumental or on the *kithara*) or in duets (a singer and an *aulêtês*).[34] Although nomes were in fact performed to both the *aulos* and *kithara*, Plato sets the genre apart from auletic, choral genres by classifying it as κιθαρῳδικούς, a kitharodic genre.[35] The image that emerges of Athens' aristocratic past is one of harmonic order, in which generic form and content, discretely defined on numerous levels of conceptual antithesis, have carefully delineated properties and ranges of meaning, and may thus be evocative of specific states of soul.

Plato's narrative of Athenian genres, couched as a 'plea for generic purity,' resolves into a history of the soul and its reigning passions as they relinquish appropriate order, fear, and shame, and become predisposed to pleasure, impudence, and a democracy of free men.[36] The sharp distinction between aristocratic and democratic genres—the former ordered, articulated, and defined, the latter commingled and messy—picks up the claim, discussed in the previous chapter, that genres are *tropoi* of character; each *eidos* in the aristocratic theater has a singular, psychological valence, which is lost in the generic confluence that characterizes the processes of democratization. In other words, Plato has once again enveloped a philosophical theory in the trappings of poetic and musicological history and anthropological observation. To return to the question posed above—why does Plato choose genre as the interpretive prism through which to analyze the development of democracy?—the answer is that, within a diachronic framework, artistic form is revelatory of, and cannot be understood apart from, the ethical dispositions of the performing community. Generic systems over time express and alter the habituated dispositions of the societies in which they develop, so that changes within cultural institutions and artistic forms precipitate the chaos of incident that is Athenian politics.

In the previous chapter we observed that genres are treated in the *Laws* as durable crystallizations of psychological states, and that Plato believes that the right assembly or system of ethically appropriate forms may be utilized to educate citizens to take aesthetic pleasure in appropriate objects. The text of 3.700a–301a represents a logical analogue of that belief: artistic forms may also educate in inappropriate aesthetic pleasures. Worse still, genre has inertial

force; as a reflection of a society's ethical disposition and political psychology, the *Laws*' account of Athenian generic history ends in a foreboding prognostication of the city's future. The discussion of theatrocracy concludes a comparison between Persian and Athenian history, both representing devolved constitutions and demarcating the political polarities of excessive servility and extreme liberty that Magnesia must negotiate.[37] Athenian genres encode and promote reigns of pleasure and shamelessness, an inherently unstable psychological and political state. Genres retain this disruptive, inertial force, propelling souls and cities in specific psychological and political directions. That direction passes momentarily through democracy, but it does not end in the proliferation of democratic liberty. Plato's Athens is a city led by generic cross-contamination toward civil, social, and familial disintegration, injustice, and, finally, anarchic sacrilege. Led by its poets, the *polis* proceeds in cyclical fashion from aristocracy to democracy, and ultimately returns to the primordial ochlocracy of the titans.[38] Nightingale has shown that the comparative Persian and Athenian historiography spanning Book III leans on Herodotean models, framing the exploration of human action and agency within the context of time, and complementing the timeless, unchanging world of the cosmology of Book X.[39] The prediction that Athens will dissolve into a Titanomachy caps Herodotean historiography with a Hesiodic chronotope; as Athenian history progresses away from its aristocratic past and as the city's system of genres loses its internal orderliness, the souls of its people regress back in the myth of ages.

We return to Plato's response to Athenian genres in subsequent chapters, but in the present context we must consider the second history narrated in 3.700a–701a—the history of literary criticism. The passage has been partitioned into three stages (indicated by paragraph divisions) to underscore salient features in Athenian critical history, which evolve as ἐλευθερία develops, reappearing in revised form within Magnesia's institutions of poetic evaluation.

The first, aristocratic phase privileges knowledge (γνῶναί) in criticism, with judges singled out as educated (παίδευσιν) and their pronouncements represented as performances of wisdom (γνῶναί, γνόντα). Central to the aristocratic paradigm is a distribution of political power (κῦρος) in the scenario of performance: the theater is hierarchical and exclusive, and positions of cultural authority correspond to intellectual distinction and are allotted according to expertise. The audience consents (ἤθελεν), moreover, to the pronouncements of the elite, and literary judgment functions as the rendering of a quasi-judicial verdict (δικάσαι). The monopoly of punitive violence

(ζημιοῦν, νουθέτησις) rests with the aristocratic judges, and assenting to the critics' judgment is construed as a form of political obedience (πειθόμενον, ἄρχεσθαι).

The appearance of pleasure-possessed poets interrupts the aristocratic configuration of judgment, inaugurating a second, intermediate stage in which conditions for the emergence of democratic liberty begin to mature. Again, knowledge is emphasized, but only by its absence (ἀνοίας); in the presence of poets, *nous* has left the theater. By contrast to their aristocratic antecedents, poets are ignorant (ἀγνώμονες), ecstatic (βακχεύοντες), possessed of pleasure (κατεχόμενοι ὑφ' ἡδονῆς), deceived and deceptive (καταψευδόμενοι), and lacking control (ἄκοντες) over their own actions and inspired utterances. Relations of power also remain a source of concern; upon the poets' arrival there ensues a subtle but telling shift in the distribution of authority from the judges to poets, further underscoring the interrelation of criticism and Athenian politics. No mention is made of learned κρῖται exercising political rule by rendering judgment before obedient spectators. Instead, poets appear as 'rulers' or 'leaders' (ἄρχοντες)—a term with overtly political valence as the active inflection of the passive ἄρχεσθαι characteristic of the audience under the aristocracy. The poets' regime constitutes a new and subversive relation to justice (τὸ δίκαιον) and legal order (παρανομίας, τὸ νόμιμον). Upon the transference of critical and, by implication, political authority to poets, other principles of judgment take center stage: pleasure (ἡδονῇ, χαίροντος) and, with it, 'aesthetic relativism,' the notion that each person's hedonic disposition is legitimate, carrying equal weight in poetic judgment.[40] As we shall observe in the next section, for Plato there is (or should be) a correlation between the virtue of the spectator and the inherent value of that which she or he finds pleasurable, but this connection has been ablated from the poets' theater. The rule of pleasure calls attention to another essential element in Plato's conception of literary judgment (again, notable for its absence): correctness (ὀρθότητα), which, if unmentioned in the aristocratic theater, is nonetheless presupposed in the structured order of its system of genres. The distinctive effect of democratizing poetic traditions, Plato suggests, is the decline of models of criticism that rely on knowledge and correctness, and the rise of those that privilege pleasure as a principle of judgment.

Once poets have introduced aesthetic relativism, a third stage in the history of criticism arises, differentiated not by theories of criticism—poets and audiences concur that the listeners' pleasure is the definitive criterion of judgment—but by the redistribution of authority from the poets to the audience. Again, Plato construes criticism as a political activity; the final stage is

the rule of the spectator (θεατροκρατία), a democracy of free men in music (δημοκρατία ἐν αὐτῇ . . . ἐλευθέρων ἀνδρῶν). As the audience assumes the role of judge, a new pathology—audacity (τολμᾶν)—and model of criticism emerge: the rumbling of the crowds (κρίνειν διὰ θορύβου). Though it begins as a context of silent, unanimous consent to authoritative judges, the theater transforms into a creature with a voice of its own (τὰ θέατρα ἐξ ἀφώνων φωνήεντ' ἐγένοντο), a space of public reflection in which every man believes himself entitled to determine the nature of beauty and vice. Knowledge (ἐπαΐοντα), missing in the poets' regime, returns to the theater, and literary judgment figures once again as the performance of wisdom. Yet, it is a presumption to wisdom (ἡ πάντων εἰς πάντα σοφίας δόξα καὶ παρανομία), not wisdom itself, that calls the tune. The crowd's purported σοφία is not limited to poetic qualities; it also claims to encompass the determination of moral excellence, for the democratic audience regards itself as possessing a kind of philosophical understanding of the nature of goodness and vice (τό τε καλὸν καὶ μή) in themselves and as manifest in music. Principles of aesthetic judgment in the theater are shown ultimately to be indistinguishable from those of moral and political deliberation. The result is a convergence of democratic criticism and democratic politics, a condition brought about by the transposition of the entitlement to judge from the theater to the institutions of governance and by the ethical dispositions and forms of knowledge manifest in practices of literary judgment.[41]

How seriously is one to take Plato's version of Athenian literary critical history? There is no sixth- or fifth-century evidence for a silent aristocratic theater; the earliest Athenian audiences were already famously vociferous.[42] The identity of the official supervisors of education is equally elusive and likely anachronistic.[43] Nor is there record of judges dictating to the audience the merits of performance or, as the 'admonition of the restraining staff' suggests, threatening spectators into conformity. State-owned slaves, not ruling aristocrats, appear to have been the only figures policing the Athenian theater; their task seems to have been crowd control, not the enforcement of an authoritative hermeneutic.[44] The portrayal of the democratic period appears slightly more reliable. Plato's genealogy of Athenian musical traditions shares concerns with criticisms of Euripides in Aristophanes' *Clouds*, and, as noted earlier, late-fifth- and fourth-century tastes favored genre-blending and innovation (especially with the *aulos*).[45] Plato's account appears right, moreover, in another salient respect: judgment in the democratic theater reaffirmed the fundamental principles of democratic politics.[46] The convoluted process by which Athenian judges were selected and victories awarded replicated

the quintessentially democratic randomization of appointment to political office, reinforcing the belief that every citizen is entitled to participate in public deliberation. Yet, the details of the *Laws*' portrayal of democratic judgment cannot be reconciled with the best (though tantalizingly lacunose) reconstructions of the elaborate system of phyletic appointments, secret ballots, and lotteries by which Athenians appointed judges and chose winning playwrights.[47] Beyond the influence of noisy and possibly irresistible expressions of approbation and disapprobation, the audience played no *direct* role in choosing judges or rendering verdicts.[48]

That Plato's criticisms cannot be squared with any plausibly historical reconstruction of Athenian theatrical judgments is, of course, unsurprising; Plato is once again not striving for historical fidelity. But such departures from ancient practices underscore the observation made above that criticisms of the theater offer an appraisal of the psychological underpinnings of fourth-century Athenian performance culture. At the level of word-choice, the democratic theater is evocative of Socrates' analysis of poetic inspiration in the *Ion*. There, too, poetry is cast in the language of possession, bacchic frenzy, and ignorance, and, like theatrical Athenian spectators, the eponymous rhapsode's audiences are led by infatuated poets whose works incite emotional fervor (cf. *Ion* 533e7, 534a4, 534a5–6, 534e5, 542a3–6). Intertextual resonances are especially pronounced in a later passage (4.719c–d) in which the Athenian Stranger recalls an ancient myth according to which poets, when seated on the Muses' sacred tripod, resemble a gushing fountain (κρήνη; cf. κρηνῶν at *Ion* 534b1).[49] Like the *Ion*'s portrayal of the creative process, the underpinnings of Athenian performance culture and critical history are shown to offer, in Murray's words, "an overwhelming image of irrationality," at the heart of which lies a perverse economy of pleasure between uniformly senseless poets and audiences.[50] The *Laws* thus repurposes the *Ion*'s parody of rhapsodic performance into a narrative of Athenian theatrical and critical history. Equally telling are the differences between the two dialogues. Whereas Socrates (reluctantly and perhaps disingenuously) concedes in the *Ion* that his interlocutor might be possessed by the Muses (though the rhapsode's monetary interests belie his claim to divine inspiration), the emphasis in the *Laws* falls on the poets' hedonic disposition—as opposed to a network of divine (or financial) inspiration—as the ultimate source of poetic utterance.[51] Plato has moved, in other words, from the *Ion*'s exploration of the irrationality of poetic inspiration to a critique of pleasure.

The *Laws*' critical history thus strives not for historical fidelity but rather to provide confirmation of its own ideal *polis* by reinterpreting Athenian

political and cultural history in the philosophical framework developed elsewhere in the *Laws* and in earlier dialogues. As Panno suggests, the *Laws*' account of Athenian theatrocracy appears indebted to the 'lovers of sights' (φιλοθεάμονες) derided in *Rep*. 5.475d–476b.[52] The theatrical poets' pandering to the audiences' tastes and clamorous judgments also recalls Socrates' claim in *Rep*. 6.492b–c that, despite suspicions to the contrary, audiences are not helpless victims corrupted by the irrational forces present in the theater.[53] Spectators are rather active collaborators in the creation of meaning, influencing poets, orators, and sophists through their overpowering, performative uproar. 3.700a–701a thus compresses and recasts in theatrical terms the *Republic*'s depiction of the rise of democratic liberty and tyranny. In both works, Plato links political change to fluctuating notions of pleasure and suggests that unregulated musical innovation obeys the basest collective and individual psychological impulses. There is, moreover, an analogy to be drawn between the style of thought that informs the representation of theatrocracy in the *Laws* and the theory of justice in the *Republic*. More precisely, the aristocratic theater in the *Laws* translates the *Republic*'s notion of justice (*dikaiosynê*) into the context of the theater; for in the pre-democratic theater each participant (judge, audience, performer) and generic form undertake only their assigned task, neither interfering in nor appropriating the meaning and responsibilities of others. Conversely, the generic changes and poetic *paranomia* that presage rule of the spectator appear as instances of *polypragmosynê*, transgressive meddlesomeness, within theatrical space. In both dialogues, volatility in customs of dance and ritual play contains the mechanisms of political instability; as generations of citizens are left free to shape politics, poetry, and society, they flout standards of musical correctness and adapt the law code to their baser pleasures. The trajectory of constitutional change governed by pleasure in both works is unidirectional, tending inexorably toward degradation, culminating in the tyrant's wretched life and regime in the *Republic*, and represented in the *Laws* as a cyclical return to the lawless age of the titans. As we observe in the following section, that theater may be conceptualized as a space for the performance of political virtues (or vices) will be instrumental in Plato's refashioning of Athenian critical practices.

If the *Laws* is indebted to the *Ion*'s and the *Republic*'s disparaging assessments of the politics of poetic irrationality, it is unique in mapping the history of literary criticism as a performance onto constitutional history. In this respect, it is instructive to recall that Plato's critical history is also an explicitly political history, and that the *polis* subjected to scrutiny is one in which

political deliberation emerged as a negotiation between high status orators and mass spectators, and in which the *thorubos* appears to have become an object of elite, antidemocratic dissent. At 9.876b the Athenian Stranger analogizes the *thorubos* of the audience in (democratic) *dikastêria* to that of the theater; and Socrates in *Republic* 6.492b–c argues that the thunderous roar of the raucous, indiscriminate *polloi* in the Assembly, theater, and military camps serves as a de facto education in democracy, an education more powerful than the sophists.[54] Moreover, as Lanni has argued, the interruptions of noisy onlookers (G. οἱ περιεστηκότες, L. *corona*) may have exerted a powerful, if informal, influence on deliberative and judicial institutions; and being among the bystanders may also have fulfilled the pedagogical function of communicating, and training spectators in, democratic procedures and norms.[55] Against the normative force of the *thorubos* in democratic politics, Tacon suggests, there appears to have been a reactionary undercurrent of elite ideology that romanticized a vision of anti-demotic politics in which governmental institutions would operate as appropriately somber affairs, a vision in which elite speakers address a voiceless assembly, an audience kept in check by the threat of violence.[56] Plato has thus projected an elite fantasy of the silent, ecclesiastic audience into an image of a silent, theater audience, altering its temporal and institutional coordinates; in other words, 3.700a–701a articulates and displaces a synchronic critique of fourth-century Athenian politics as a diachronic history of the Athenian theater and its critical tradition.

From its aristocratic origins to its final democratic instantiation, criticism is shown to be informed by the same logic and to obey the same principles that govern the morphology of political power. A society's performative models of judgment—not merely its poetic genres—develop alongside its political values and constitutional structures, and become identifiable with distinct regimes. Aristocracy endorses aristocratic critical discourses; democracy produces its own evaluative criteria. Criticism thus has a psychological and political history, emerging from specific political communities and shedding light on the psychological principles that motivate constitutional history. For Plato, the pronouncement of literary judgment is a political act; whether aristocratic or democratic, rule (ἄρχειν) is exercised in the theater as the performance of κρίσις, enabling changes in the distribution of political power and in itself constituting an exercise of that power.

Implicit in Plato's treatment of Athenian theatrocracy and the political forms it fosters is thus an awareness of the discursive qualities and performative possibilities of civic space. Different social contexts, the *Laws* insists, are suited only to certain analytical discourses; and, in Plato's view,

the democratic theater admits into the most public space the type of critical activity that is to be hidden behind a veil of secrecy. To understand why, we must refer to a discussion that appears at the very outset of the dialogue in which the Athenian Stranger commends Spartan and Cretan laws, which forbid citizens to question the law code in public. License to criticize the law, the Athenian Stranger observes, is granted in Doric communities only to the most elderly and only in private (1.634d–635a). The conversation among the interlocutors—that is, the *Laws* itself—represents a state of exception, a moment of unrestricted liberty in which elder statesmen freely examine the principles of legislation. The notion that certain types of knowledge may be discussed and invented only within certain spaces and among select participants is thus built into the dialogue's dramatic frame. It is also integrated into the imaginary city's law code; license to investigate principles of legislation is among Magnesia's most restricted privileges.[57] This in part explains Plato's singling out as problematic the types of judgments that occur within the democratic theater; collective deliberation on the merits of poetic performance is incommensurable with the principle of insulating the public domain against unrestricted critical discourse. Magnesia's theater, as we shall observe, authorizes a fundamentally different kind of speech act, one that countenances no public commentary and shields the city's poetic traditions against the critical voices that have informed Athenian constitutional development.

Speech act is the operative term, for what is at stake in Plato's attempt at literary critical history are the social conditions and epistemological content of performative discourse. We observed in the last chapter that Plato's co-optation of Egyptian monumental inscription represents an endorsement of one paradigm of—nondemocratic, tyrannical—performative discourse over and against models of performative speech symbolically associated with democratic deliberation. A similar strategy obtains in this context as well; once again, the focal point of Plato's dissent is concentrated on democratic performative discourse: *krisis* through *thorubos* as an illocutionary enactment of specific psychological states and hedonic dispositions, and as a perlocutionary verdict on performance and education in democratic citizenship. The conditions governing performative discourse are, in Plato's account, the relationships of spectatorial authority and aesthetic relativism empowered by the theater; and the kinds of discourse that prove felicitous in Athenian theater espouse a belief in untrammeled and subjective aesthetic pleasure. It is precisely in respect to such conditions that Plato, as we observe in the next section, proposes a performative alternative to spectatorial *thorubos* and a corrective to Athenian

critical history, one that necessitates the invention of practices of criticism and standards of evaluation uniquely tailored to the constitution and legislative structure of the second-best city.

2.3 Setting the Stage: Pleasure, Judgment, and the Performance of Philosophy

As we observed in the Introduction, Magnesia's arts of the Muses comprise an elaborate, diverse system of genres that absorbs and corrects contemporary art forms. In this section and the next, we shall be concerned with the conceptualization of a theoretical framework, a set of social practices and institutions, and a type of practitioner—the critic as performer of philosophy—capable of adapting to and regulating such generic diversity; for in spite of the role of theatrical pleasure and performative models of criticism in the formation of democratic values, the second-best city does not dispense with either as mechanisms of cultural influence. Six official bodies of critics are appointed to the task: judges of monodic and auletic competition (6.764c–765d); judges of children's chorus and choral competitions (6.764c–765d); the Director of Education and his assistants (6.765d–766b, 7.801d, 7.813c–d, 8.828d–e); Law Wardens who work with the Director of Education to determine whether new compositions accord with the city's ethical standards (7.801d, 7.812d–813b, 8.828d–e); Examiners, who revise ancient works, determining whether they are suitable for inclusion within the city's canon (7.802a–b); and, most important for Plato and our purposes, the Chorus of Dionysos (2.670c–671a, 7.812c). Their duties include censorship, and together they arbitrate between particular texts or performances and the principles that govern all representational media. As we shall observe in more detail below, criticism in the second-best city aspires primarily to conjoin the experience of virtuous pleasure in the soul with the philosophical perception of genuine beauty in mimetic art.

The *Laws*' most extensive treatment of literary criticism appears as part of a digression, discussed in Chapter 1, in which Plato examines the role of pleasure and the passions in the life of virtue. The digression broaches a problematic crux. On the one hand, aesthetic pleasure is essential to the *Laws*' conception of the virtuous life; educated and perfectly virtuous persons are those whose passional elements have been taught through choral performance to delight in the fine qualities of objects (in life and representational media) that reason endorses. On the other hand, pleasure alone

supplies a precarious foundation upon which to secure aesthetic judgment. Especially as experienced in the multivalent, pandemic theater, pleasure is contingent, dependent entirely (and amorally) upon the inclinations of the spectator. Audiences like and deem best the song that pleases them most; and this is likely to be the most current, innovative, and degenerate (2.657a–658a). Without a counterweight to popular notions of aesthetic pleasure, the psychological preconditions upon which education and virtue depend are thus left to the whims of the masses.

The problem is illustrated in a hypothetical competition (2.658b–658c), to which, the Athenian Stranger invites his interlocutors to imagine, contestants are drawn from around the Greek-speaking world. Competitors vie with one another 'over the pleasure alone' (ἡδονῆς πέρι μόνον, 2.658a9–b1), and victory goes to the performer 'who delights the spectators the most (ὃς δ'ἂν τέρψῃ τοὺς θεατὰς μάλιστα, 2.658b1). Though a multitude of contenders enter, the Athenian Stranger maintains (against his interlocutors' protestations), the outcome would be entirely predictable:

> If the very small children were to judge (κρίνοι), they would judge (κρινοῦσιν) in favor of the one displaying puppet shows. . . . But if the older children [judged], then the one displaying the comedies; and the educated women, the youth, and probably the majority of almost everyone [would judge in favor of] tragedy. . . . And we old men, listening most sweetly (ἥδιστα ἀκούσαντες), would very much say that the rhapsode beautifully reciting the *Iliad* or *Odyssey* or something of Hesiod's is the victor. Who would have won rightly (ὀρθῶς)? That is the next question. . . . It is clear to you and me both that it is necessary to say that those judged by persons of our age would win correctly (τοὺς ὑπὸ τῶν ἡμετέρων ἡλικιωτῶν κριθέντας ὀρθῶς ἂν νικᾶν). For our habit (ἔθος) appears to be the best (βέλτιστον) by far of those everywhere in every city. (2.658c10–e4)[58]

As commentators have recognized, the *agôn* is a caricature of the Panathenaic festival; by representing the city's preeminent genres, scenario of performance, and tastes as infantile and effeminate, Plato undercuts Athenian aspirations as a Panhellenic cultural center.[59] This points to important connections with the discussion of theatrocracy in Book III; namely, the elements that trigger the decay from Athenian aristocracy through theatrocracy and democracy to anarchy are all at play in the *agôn* as well. Here too we find a distribution of critical authority that empowers the audience to judge, an unmoored, relativistic

ideology of pleasure, the priority of the spectators' tastes, poets who aim to please, and the absence of authoritative critics, as well as of principles of judgment based upon independent criteria of correctness. Yet, if some of the main elements in the two passages are the same, the argument in Book II is presented within a distinct chronological frame; whereas the discussion of Athenian theater in Book III approaches criticism diachronically, the perspective in the *agôn* is synchronic, a snapshot of theatrocracy frozen in time, which allows Plato to examine issues addressed in the discussion of Athenian theatrocracy from a different hermeneutic angle and to home in on a distinct concerns. Chief among the latter are the problems that arise when standards of theatrical judgment are pegged to pleasure alone. Within the diachronic framework of theatrocracy, the Athenian hegemony of pleasure spurs constitutional change, the dissolution of civic bonds, and blending of genres. Synchronically, it produces irreconcilable aesthetic preferences that coalesce according to age, education, social class, and genre. Where the sole criterion is the spectator's pleasure and where there are as many sources of critical authority as members of the audience, there are no standards to speak of. This is problematic on ethical—not just aesthetic or political—grounds, since, as we have observed, perceptions of pleasure are fundamental to the *Laws*' psychology of virtue. Because the passional experience of pleasure enables or inhibits the realization of virtue, the *agôn* suggests that a society without a dominant conception of what is pleasurable in art is also a society whose citizens are unable to agree upon a notion of ethical goodness. Aesthetic relativism becomes symptomatic of moral relativism.

Plato's synchronic treatment of theatrical pleasure also suggests that certain civic spaces and scenarios of performance enable only some forms of cognition and evaluation, while precluding others. Notably missing from Plato's portrait of theatrical judgment is rational evaluation of performance according to empirical standards of moral and artistic excellence. In the theater, with its vociferous, motley crowds, even elders have recourse to 'habit' (ἔθος)—and here the Athenian Stranger implicates himself and his interlocutors (ἔμοιγε καὶ ὑμῖν, ἡμῖν, ἡμετέρων ἡλικιωτῶν). The choice of *ethos* in e3 has raised suspicions; alternative emendations have been proposed (including *ethos* and, more creatively *epos*).[60] Yet, England and Schöpsdau are right to recognize that *ethos* (habit) makes the best sense in context; *ethos* changes over time, hardening into character (*êthos*) once molded by cultivation and experience.[61] Plato's point concerns the psychological processes involved in the act of criticism in the theater: habituated pleasure, a determinant, as we have observed, in virtuous action, also serves as the basis of theatrical judgment.

An inquiry into practices of theatrical judgment must therefore consider not just the criteria of evaluation but also the critic's psychological constitution and habituated sensibilities.

Though Plato's portrayal of the *agôn* in pleasure suggests that theatrical judgment is especially susceptible to aesthetic relativism and critical polyphony, it also contains elements that, refashioned, allow the theater to be rehabilitated as a central educative institution. Criticism in Magnesia's theater is modeled as a hierarchical reorganization of the contest in pleasure in which public forms of judgment are decided by the pleasure of a specific type of critic:

> In this much even I agree with the many: that it is necessary to judge music according to pleasure (δεῖν τὴν μουσικὴν ἡδονῇ κρίνεσθαι)—not, however, the pleasure of any chance person. Rather the Muse that pleases the best and sufficiently educated men is just about the most beautiful—but especially the Muse who delights the one who excels in virtue and education (ἀλλὰ σχεδὸν ἐκείνην εἶναι Μοῦσαν καλλίστην ἥτις τοὺς βελτίστους καὶ ἱκανῶς πεπαιδευμένους τέρπει, μάλιστα δὲ ἥτις ἕνα τὸν ἀρετῇ τε καὶ παιδείᾳ διαφέροντα). Thus we say that the judges of those matters need virtue (ἀρετῆς): they must also share in wisdom (μετόχους . . . φρονήσεως) but especially bravery (ἀνδρείας). For the true judge must not render judgment by learning from the theater (παρὰ θεάτρου δεῖ τόν γε ἀληθῆ κριτὴν κρίνειν μανθάνοντα) and being shaken by the clamoring of the many and his own lack of education (ἐκπληττόμενον ὑπὸ θορύβου τῶν πολλῶν καὶ τῆς αὑτοῦ ἀπαιδευσίας). Nor, when he knows (γιγνώσκοντα) [the right verdict], must he render judgment (τὴν κρίσιν) carelessly because of cowardice (ἀνανδρίαν) and timidity (δειλίαν) and thereby utter lies from the same mouth through which he invoked the gods when he was about to judge. The judge does not sit as a student but, as is just (τὸ δίκαιον), as a teacher of the spectators, willing to resist those who offer the spectators pleasure neither appropriately nor correctly (τοῖς τὴν ἡδονὴν μὴ προσηκόντως μηδὲ ὀρθῶς ἀποδιδοῦσι θεαταῖς). (2.658e6–659b5)[62]

Much of the language and topical concerns appear in some configuration in passages discussed above: terminology that recalls the correct(ive) method of cultural criticism (ὀρθῶς); standards of appropriateness (προση κόντως); the public, theatrical location (θεάτρου, θεαταῖς); the fraught relationship between poets and the loud, indiscriminate audience (θορύβου τῶν

πολλῶν); and the conceptualization of judgment as a pedagogical activity (παιδείᾳ, μανθάνοντα). Perhaps most striking is Plato's concession to the popular belief that beauty (καλλίστην) and pleasure (ἡδονῇ, τέρπει, ἡδονήν) have inherent critical value; the ideal theater, like its Athenian antitype, fosters an ideology of pleasure. At the same time, however, Plato subverts the pedagogical authority of the performance of *thorubos*, which he sees as vitiating democratic theater, by transferring critical and pedagogical authority from the audience to the educated and virtuous; no longer a student, the critic is now a teacher of the spectators, trained to tame their unruly passions.

In the last section, we noted Plato's rejection of pandemic *thorubos* as an illocutionary evocation of a defective regime of pleasure in the soul and as a perlocutionary education in democratic citizenship. In this passage, Plato reimagines theatrical pronouncements of criticism as performative enactments of philosophical virtues; for the cornerstone in the *Laws*' appropriation of the theatrical judgment is the redescription of the psychology of criticism in the terms of Plato's ethics and moral psychology. Not only must the critic measure song and dance against the standards of ethical propriety that Plato champions in the *Laws* (and which we discuss below); he must also perform those qualities in himself and in the theater in the act of judgment. To carry out his task, the critic must possess virtue (ἀρετῇ) and must be equipped with the fortitude (ἀνδρείας) and wisdom (φρονήσεως) to overcome his own cowardice (ἀνανδρίαν, δειλίαν) and ignorance (ἀπαιδευσίας). The critic's education, which equips him to curb and improve the crowd's sense of pleasure, corresponds to temperance (*sôphrosynê*) as the rational control of hedonic passions. The discussion of the ideal critic in 2.658e–659b clearly refers back to the analysis of modesty (*aidôs*), temperance (*sôphrosynê*), and fear (*phobos*) at 1.631b–d and 1.647b–650b. Justice is also employed in the social conditions of judgment; it is just (δίκαιον), Plato insists, that critics resist and exercise authority over spectators and poets. Even the term employed for the possession of virtue, μετόχους, is cognate with Plato's standard nomenclature for participation in universal forms, *metekhein* (cf. *Resp*. 6.511e; Arist. *Metaph*. 990b31). Platonic virtues are thus the principles performed on two, illocutionary levels: *internally* in the moral psychology of judgment and *socially* as the qualities that characterize the relationship between audience and critic. To the degree that the critic assumes the role of educator assigned to the *thorubos* in the democratic theater, his pronouncements also have the perlocutionary force of training the masses in Magnesia's model of citizenship and civic virtue. On all levels, then, the *Laws* renders the erstwhile democratic, pluralistic theater amenable to the project of envisioning a second-best city by reinscribing

fourth-century models of theatrical judgment within the language of Plato's moral philosophy.[63] Of course, Plato will never label literary criticism in the theater *philosophia*, a term appearing only twice in the *Laws* (9.857d, 12.967c), but the language of philosophical virtue speaks to the text's central project of investing extant cultural practices with novel philosophical meaning. The effect is to construe criticism as a performance of philosophy, a critical model in which the *kritês* performs virtue in the psyche, and in which the theater, like the city, mirrors the virtuous soul.

As Schöpsdau observes, there emerge two reference points by which to determine artistic excellence: the pleasure of the most virtuous, which appears as an authoritative performance of literary criticism, and objective philosophical standards of correctness.[64] We turn to the second in the next section, but with respect to the first, although Plato does not justify the claim that the most virtuous are also the best judges of aesthetic pleasure, as is often the case in the *Laws*, the discussion relies on arguments developed elsewhere in the Platonic corpus. In *Republic* 9.580a–583b, Socrates maintains that philosophers alone are equipped to compare and rank the pleasures of others, whereas the uneducated, who cannot know virtue or its attendant pleasures, lack the experiential basis to evaluate their own aesthetic preferences—much less those of their moral and intellectual superiors.[65] The *Laws*' counter to Athenian aesthetic relativism is thus to embed the *Republic*'s hierarchy of pleasure—that is, the claim that the pleasures of the educated and virtuous are ethically and experientially superior to the pleasures of the uneducated—in the theater alongside the commonly held belief that pleasure offers a legitimate foundation for judgment. Pleasure is thereby retained as a principle of judgment insofar as it is yoked to a practitioner whose psychological disposition has been habituated, refined, and attuned to representations of virtue, and whose verdict, a result of trained ethical habits, constitutes a performative enactment of virtue.[66] The effect is to situate the critic as the focal point in theatrical performance and supplant the audience as the ideal spectator to whose tastes and aesthetic priorities poets adapt their compositions.

2.4 Beyond the Choral Muse: The Chorus of Dionysos and the Metaphysics of Literary Criticism

Anchoring modes of judgment to the pleasure principle of the ideal spectator addresses only half of the critical equation. Plato seeks in the *Laws* a

comprehensive reorientation of the discourse of literary evaluation, one that rests upon the application of philosophical knowledge to *mousikê* and requires dispassionate criteria of judgment.[67] What remains a desideratum is to situate the performative enactment of judgment in relation to what Ferrari characterizes as the "constraints of truth and understanding imported from the kind of serious discourse in which Socrates wished to be engaged."[68] If the theater is the space for authoritative pronouncements of judgment, a sympotic Chorus of Dionysos decides the metrics of evaluation. Introduced as the third of four musical groupings into which the citizen community is divided, the Chorus of Dionysos is tasked with persuading the population of the law code's basic tenets, especially that the just life is also the most pleasurable:[69]

> First, it would be most correct for the children's chorus dedicated to the Muses (ὁ Μουσῶν χορὸς ὁ παιδικός) to lead off, singing [that the just life is also the most pleasurable] in complete seriousness before the whole city. Second should come the chorus of those up to thirty years of age, invoking Paian Apollo as witness to the truth of what is said (τόν τε Παιᾶνα ἐπικαλούμενος μάρτυρα τῶν λεγομένων ἀληθείας πέρι) and praying (ἐπευχόμενος) that he be gracious and make the young believers. Then it is necessary that a third group sing, the men between the ages of thirty and sixty; after this, story-tellers (μυθολόγους), who are no longer able to sing, must present myths about the same characters (τῶν αὐτῶν ἠθῶν) through divine utterance (θείας φήμης). (2.664c4–d4)

If the *agôn* discussed in the last section is indebted to Athenian theatrical rituals, the arrangement of choral and mythological performers reveals Plato's mediation of Spartan tradition. Plutarch records a custom in which Spartan choruses exchanged "professions and boasts of virtue as befit the age classes (πρὸς ἀρετὴν πρέπουσα ταῖς ἡλικίαις) [of the performers]" (*Lyc.* 21.1). The Spartans set up three choruses during their festivals, a chorus of elderly men, a second chorus of men in their prime, and a third chorus of boys, each taking the stage to claim masculine primacy (Plut. *Lyc.* 21.2). Anyone who studies Spartan poetry, Plutarch concludes, must agree that Pindar and Terpander were right to "associate bravery with music" (τὴν ἀνδρείαν τῇ μουσικῇ συνάπτειν, *Lyc.* 21.3). What is of value to Plato in the Spartan ritual—provided the *Laws* is not Plutarch's ultimate source—is that all generations of men celebrate the same (albeit defective) notion of civic virtue. It is the antithesis to the Athenian theater, associated in the *agôn* with aesthetic and intergenerational disharmony,

and it thereby anticipates the concern, noted in Chapter 1, with children who, by playing different games in their youth, become different kinds of citizens and seek different laws. The Spartan model of choral education thus provides Plato a basic structure for the aesthetic life of the citizen of Magnesia, a structure at once unified and hierarchical, crafting the citizens' musical experiences from childhood into old age through a canon of official songs and dances, and ensuring that song and dance, regardless of the participant's age, foster the same habituated disposition (ἠθῶν).[70]

However indebted the three choruses are to Laconian tradition, it is nevertheless clear that *Laws*' corrective method is no less critical of Doric custom than it is of Athenian. Plato liberally modifies and departs from the Spartan custom, replacing, for instance, its martial tenor with modesty or shame (*aidôs*) and temperance (*sôphrosynê*), and tempering its Laconic ethos with Panhellenic qualities.[71] There appears to be an analogy between the three Choruses and Athenian dithyrambic performances in which 50-person choruses of men and boys competed and for which the victorious *khorêgos* was permitted to dedicate a commemorative tripod.[72] That the second Chorus addresses its patron deity as Paian, emphasizing Apollo's healing and apotropaic capacities, invests the choral performance with the 'common ethos of controlled celebration' characteristic of the paian.[73] As Larivée has shown, the Chorus of Dionysos's education is modeled on Cretan pederastic initiation rituals in which the *erastês*, reenacting Zeus's rapture of Ganymede, undertook the process of grooming and integrating the *erômenos* in the male culture of the *syssition*.[74] In the elder mythologists (μυθολόγους), Plato has enfolded oracular utterance and myth within the city's poetic repertoire. The performing groups into which the citizen population is subdivided thus represent an aggregate of Panhellenic choral and poetic traditions, each grafted into the basic structure of Magnesia's Doric performance culture.

The third chorus, the Chorus of Dionysos, is later characterized as the 'most noble' (ἄριστον) and 'persuasive' (πιθανώτατον) element within the city, capable of performing the most beautiful and beneficial songs (2.665d1–5). Its priority vis-à-vis the Choruses of the Muses and Apollo positions the aesthetic experience of the elderly (but yet not superannuated) as the centripetal principle within the city's musical culture.[75] Among close friends the members of the elder chorus invoke the gods and summon "Dionysos to the initiation and play of the elders" (τὴν τῶν πρεσβυτέρων τελετὴν ἅμα καὶ παιδιάν, 2.666b5–6), a ritual gesture that recalls the symbolic epiphany of Dionysos at the dénouement of symposia (portrayed, for example, in Alcibiades's arrival in Plato's

Symposium (212c–e) and the disruptive, erotic mime of Ariadne and Dionysos in Xenophon's (9.2)). As a cathartic, magical 'drug' (φάρμακον), wine induces a state in which "through forgetfulness of despondency, the character of the soul leaves its hardness and becomes pliable" (μαλακώτερον ἐκ σκληροτέρου τὸ τῆς ψυχῆς ἦθος, 2.666b6–8).[76] The elders are thereby returned to a child-like state in which the passional elements of the soul—the sense of pleasure and pain—are once again rendered pliable and subject to improvement. Belfiore suggests that, "all the benefits of drunkenness are intended for older people."[77] But the city as a whole also benefits from the Chorus of Dionysos's drunken revelry; for drinking leads the elder Chorus to sing 'incantations' (*epôidai*), which provoke in the citizens a desire for the sort of music that will ultimately shape their aesthetic and moral preferences.[78] By tending to the aesthetic and ethical needs of the elderly, the *Laws* provides an institution to direct the ethical formation of the citizen population.

Plato's emphasis here and at 2.653c–654a on musical practices as a form of forgetfulness is a repackaging of the common motif in the poetic tradition of the Muses as a source of respite from and forgetfulness of cares.[79] But what kind of performance is envisioned for the Chorus of Dionysos? This is a crucial point, one that is often lost in the literature on the *Laws*; for despite its name, the Chorus of Dionysos does not dance in chorus, and it sings only in private spaces, secluded from the demotic, theatrical crowds. Indeed, the Chorus of Dionysos occupies a fundamentally distinct and distanced relationship within Magnesia's performance culture. Youth are naturally energetic and predisposed to motion; the pleasure they derive from physical and vocal order (*rhuthmos, harmonia*) renders them innately inclined to acquire moral training through *performing* (2.664e–665a; cf. 2.659e–660a). The elderly, by contrast, 'delight in' (χαίρομεν) and consider themselves to be 'flourishing' (εὖ πράττειν) when *gazing* upon others performing, thereby rekindling memories and youthful passions through contemplation (2.657c3–d6). We grow reluctant to perform and take less pleasure in doing so as we age; the older and 'more temperate' (σωφρονέστερος) one becomes, the more 'one feels shame' (αἰσχύνοιτο) to sing and dance in the theater (2.665d9–e3). Elders cannot therefore be expected to sing in public, much less exercise and fast for choral competitions. The Choruses of the Muses and Apollo perform in civic festivals, but the Chorus of Dionysos convenes and sings in communal dining halls (συσσιτίοις, 2.666b3; cf. 2.666c). Choral dancing and singing in public are undelighted experiences for the elderly, and therefore undermine the ethical training in the passions that choral performance is intended to induce. Indeed, although it is conceptualized as a chorus and symbolically associated with *mousikê*,

singing is the Chorus of Dionysos's least significant sympotic activity. Its chief function is the regulation of the city's musical institutions by analyzing and assigning to each citizen class proper types of song and dance, and by introducing rationality into the context of performance (2.670a–b; 7.812b–c). The Athenian Stranger insists that no contemporary musical paradigms available in Doric choruses or Athenian theaters are appropriate for those who stand as the culmination of an ideal city's musical culture. For this, Plato must recur to another model; the Chorus of Dionysos must cultivate 'the most beautiful' (καλλίστη, 2.667b2) Muse, "a Muse more noble than that of choruses and the public theaters" (μοῦσαν τῆς τῶν χορῶν καλλίω καὶ τῆς ἐν τοῖς κοινοῖς θεάτροις, 2.667a10–b2). Plato's use of *mousa* here is polyvalent; the Chorus of Dionysos will sing some sort of song, but its foremost obligation is the 'trans-choral Muse,' philosophy (2.666b–c).[80] In this respect, it is significant that Plato rejects the popular association of Dionysos with insanity and irrational disorder of the soul (2.653c–654a, 2.672b–d). Such myths get it half-right: the Dionysiac is a field in which the rigid psyche is softened and made receptive; but what it becomes receptive to is not amorphous and chaotic. In the *Laws*' revisionist appropriation of cultic mythology, the Dionysiac represents a kind of instinctual, sensual delight in sonic and somatic manifestations of rational order.

The distinction drawn between the aesthetic life of the elder and that of the youth is another subversive gesture on Plato's part. Recall that Book II begins by asserting that the gods have given the Muses, Apollo, and Dionysos to be the leaders of choruses and to guide the youth in the pleasurable acquisition of noble habits through the joy (*khara*) of choral performance (*khoreia*). Yet, here Plato insists that the archetypal choral, Dionysiac performer, the male figure toward whom Magnesia's performance culture is teleologically directed, takes no pleasure in and cannot be led by dance; he may be coaxed to sing only when lubricated, and even then discretely. What is being played out in this context is a strategy to arrogate for philosophy and philosophical modes of literary judgment the social and ethical influence associated with chorality. The Chorus of Dionysos represents the institutionalized subordination of choral, theatrical performance to sympotic discourse, an arrangement wherein the symposium is conceptualized as the space of distinctly rational, philosophical models of musical and poetic evaluation.

The nature of that model of evaluation represents the *Laws*' second and most substantive revision of the fourth-century critical tradition. Unlike the authoritative pronouncements of theatrical judgment discussed in the previous section, the Chorus's criticism involves the assessment of poetry by criteria that

are independent of any particular notion of pleasure. The Chorus of Dionysos evaluates poetry, music, song, and dance not according to *hêdonê* but, as Halliwell suggests, "an ethical aesthetics: a set of concepts and standards for the evaluation of mimetic art . . . that center on the possible benefit or harm to the character, *êthos*, of those who either perform or experience the performance of such art."[81] The need for interpretive criteria subject to philosophical evaluation emerges from the nature of music as a composite phenomenon. Music combines two definitive features: it may be understood as a pleasure-inducing activity or as a mimetic medium, each entailing a unique set of evaluative criteria, critical discourses, and regulatory mechanisms. Were music simply a source of pleasure (*kharis, hêdonê*), Plato concedes, it would be regarded as mere play (*paidia*), not warranting serious consideration; regulating such music would be a matter of deciding which songs or dances are the most pleasurable (2.667b–e.). The *Laws*, as we have observed, has already made an argument for empowering the most educated and virtuous to decide which songs are to be considered most pleasing.

Pleasure, however, is a secondary feature in *mousikê*. Its primary qualities derive from its status as one of the 'representational arts' (τέχναι εἰκαστικαί, 2.667c9–d1; cf. 2.668b–c), the value of which derive from their connection with arithmetic and the sciences of measurement and weighing.[82] As he does in the tenth book of the *Republic*, Plato bases the theory of mimesis in the *Laws* on an analogy with sculpture, in which the artist strives to reproduce appearances, and the success of the replica is determined by reference to the relative proportions of the original. Because it consists of a relationship between original and representation, mimetic art is subject to a set of criteria beyond pleasure. As the Athenian Stranger argues:

> the equal is equal (τό γε ἴσον ἴσον) and the proportional is entirely proportional (ὸ σύμμετρον ἄν εἴη σύμμετρον ὅλως), not because it seems to someone to be the case or because someone enjoys it (τῳ δοκεῖ ἢ μή τις χαίρει τῳ), but first and foremost because of truth (ἀληθεῖ), and least of all because of anything else. (2.667e10–668a4)[83]

Thus, when evaluating music and poetry, one must rely not on pleasure but on objective factors to measure the relationship between original and replica, namely, 'equality of quantity and quality not pleasure' (ἡ ἰσότης . . . τοῦ τε τοσούτου καὶ τοῦ τοιούτου . . . ἀλλ' οὐχ ἡδονή, 2.667d5–7). The Athenian Stranger contends that there is (or should be) an unmediated, one-to-one relationship between mimetic art and that of which it is a reproduction, a relationship

measured according to inherent properties; insofar as poetry is mimetic, like a mirror held to a couch, as Nehamas observes, it "lifts the surface of the imitated object and transfers [it] into another medium."[84] The ultimate criteria of poetic evaluation are embedded, then, not in the language of pleasure or the virtues of character, but in calculation and proportional relations to truth—that is, in a quasi-mathematical language of correctness (*orthotês*; cf. 2.668b6, c7), accuracy, and approximation between model and original.

One of Plato's primary concerns in the *Laws* is to guarantee that the city has the critical knowledge correctly to evaluate the relationship between original and mimetic replica, to ensure that poetry allows the audience to recognize, and benefit from, the original of which the work is a representation. The Chorus of Dionysos must therefore possess comprehensive knowledge of the original and the nature of its replication in *mousikê*:

> It is then necessary in the case of each poem, as it seems, that one know what it is (ὅτι ποτ' ἐστὶν) in order to avoid making mistakes about it. The person who does not know its essence (τὴν οὐσίαν)—that is, what it intends and of what in reality it is an image (τί ποτε βούλεται καὶ ὅτου ποτ' ἐστὶν εἰκὼν ὄντως)—will hardly discern the correctness of its intention or its flaw (τήν γε ὀρθότητα τῆς βουλήσεως ἢ καὶ ἁμαρτίαν αὐτοῦ). (2.668c4–8)

In Plato's conception of artistic intentionality, the representational goals of mimetic are to signify the definitive qualities of its original, and a work's inherent, objective merit may be determined by whether it faithfully and accurately represents its objects.[85]

The critic must, as it were, perceive beyond the surface features of the representation, beyond the poetry or performance, to the very essence (οὐσίαν) of the work, the original that it intends (βούλεται, βουλήσεως) to replicate. He or she must then evaluate how correctly (ὀρθότητα) the essence has been relayed into words, rhythms, and melodies. For this, the critic must have comprehensive knowledge of the sorts of subjects that poetry represents (2.668d–e). What those subjects are is only vaguely specified, but Plato argues that the original, which poets must strive to represent, is the good (*to kalon*; cf. 2.668b2). It is unclear whether by this Plato means that poetry must portray, and critics must have systematic knowledge of, the actions and characters of virtuous persons or a more abstract concept of goodness. Very likely the critic must be familiar with both. If this is the case, the evaluation of mimetic art

involves philosophical knowledge of goodness in itself and as it is manifest in actions and in poetic works.

Yet, even if one should know the nature of the original and deem that it has been faithfully reproduced, the Athenian Stranger argues that one would still lack the ability to determine whether the representation is beautiful or fine (*kalon*):

> What about the situation in which we recognize that something written or sculpted is a human being (γιγνώσκοιμεν ὅτι τὸ γεγραμμέν ον ἢ τὸ πεπλασμένον ἐστὶν ἄνθρωπος), and that he has received from art (ὑπὸ τῆς τέχνης) all of the appropriate limbs, coloration, and postures (τὰ μέρη πάντα τὰ ἑαυτοῦ καὶ χρώματα ἅμα καὶ σχήματα)? Is it necessarily the case that the person who knows these things (τῷ ταῦτα γνόντι) also readily recognizes this: whether it is fine or in any sense deficient in beauty (εἴτε καλὸν εἴτε ὅπῃ ποτὲ ἐλλιπὲς ἂν εἴη κάλλους)? (2.668e6–669a4)

The critic thus needs a third area of expertise, in addition to knowledge of the original and of the correctness of the representation, to judge the beauty of a work:

> Regarding every representation, whether in painting, music, or anything else, must not the man who would be a wise critic (τὸν μέλλοντα ἔμφρονα κριτὴν ἔσεσθαι) possess these three things: first, knowledge of what it is, next, of how correctly, and third, how well whichever representation has been made in words, melodies, and rhythms (ὅ τέ ἐστι πρῶτον γιγνώσκειν, ἔπειτα ὡς ὀρθῶς, ἔπειθ' ὡς εὖ, τὸ τρίτον, εἴργασται τῶν εἰκόνων ἡτισοῦν ῥήμασί τε καὶ μέλεσι καὶ τοῖς ῥυθμοῖς)? (2.669a7–b3)

In addition to familiarity with the original (ὅ τέ ἐστι) and the ability to evaluate the correctness of the representation (ὡς ὀρθῶς), Plato's epistemology of judgment recognizes a third dimension: knowledge of whether a work has been performed well (εὖ). The interrelationship of the three domains of knowledge required of the critic is a point of scholarly dispute; the third criterion, *eu*, is especially tricky. Ford argues that it designates "a strictly technical aspect of imitative art" which may be performed well apart from how accurately or correctly the work represents the essence of the original.[86] Halliwell contends that *eu* must refer to the ethical function of art, its benefit to the spectators.[87] For reasons clarified below, the two positions are not irreconcilable, but first we must observe that Plato specifies the musical features to which the term *eu*

applies in three passages and, in doing so, suggests that the ideal city's practices of literary criticism must co-opt yet another type of critical discourse. In the first, the Athenian Stranger takes issue with poets for sundering word from rhythm and harmony, thereby making it difficult to detect the original of which the music is a representation (2.669b–670b). Because music has the ability to disrupt the mimetic relation, he continues:

> Now from what has been said our argument seems to me to be indicating the following: those fifty-year-olds [i.e. the Chorus of Dionysos] for whom that singing is appropriate must have an education superior to that given by the choral Muse. For they must necessarily possess acute aesthetic perception and knowledge of rhythms and harmonies (τῶν ῥυθμῶν καὶ τῶν ἁρμονιῶν . . . εὐαισθήτως ἔχειν καὶ γιγνώσκειν). (2.670b2–3)

The use of the *eu-* prefix is repeated in a later passage:

> It is ridiculous for the general mob—that is, those who have been forced to sing to the *aulos*[88] and step in rhythm—to consider itself sufficiently prepared to recognize what is good harmony and good rhythm and what is not (γιγνώσκειν τό τε εὐάρμοστον καὶ εὔρυθμον καὶ μή); they do not understand that they do these things in ignorance of each. Every song that contains what is appropriate to it is correct, but when it contains that which is inappropriate, it errs (τὸ δέ που προσήκοντα μὲν ἔχον πᾶν μέλος ὀρθῶς ἔχει, μὴ προσήκοντα δὲ ἡμαρτημένως). (2.670b8–c3)[89]

Finally, a passage in Book VII recalls the discussion above:

> We said, I believe, that the sixty-year-old singers of Dionysos must be exceptionally aesthetically perceptive regarding rhythms and the composition of harmonies (διαφερόντως εὐαισθήτους . . . περί τε τοὺς ῥυθμοὺς καὶ τὰς τῶν ἁρμονιῶν συστάσεις), so that with respect to well- and poorly-fashioned musical representations (μίμησιν τὴν εὖ καὶ τὴν κακῶς μεμιμημένην), whenever the soul suffers passions, they might be able to select likenesses of virtue (τά τε τῆς ἀγαθῆς ὁμοιώματα) and those of the opposite; and they might jettison the latter but, introducing the former in public, they might hymn and enchant the souls of

> the youth, and exhort each of them to join in the acquisition of virtue through these representations. (7.812b9–c7)[90]

From these passages we may make three observations regarding the criterion *eu*. First, it bears on the determination of whether a work is fine or deficient in beauty (ἴτε καλὸν εἴτε ὅπῃ ποτὲ ἐλλιπὲς ἂν εἴῃ κάλλους, 2.669a3–4). Insofar as a work has been well fashioned (ὡς εὖ . . . εἴργασται), it may be pronounced *kalon*. Second, fineness, beauty, and being well fashioned are not determined by pleasure, a subjective psychic experience that stems from the habituation of the passions.[91] The argument regarding the three domains of knowledge required of every judge presupposes the rejection of pleasure as a reliable standard for the evaluation of a work's objective qualities (2.668a–b). Lastly, the criterion *eu* applies to rhythms and harmonies. The connection is repeated in all three passages: τῶν ῥυθμῶν καὶ τῶν ἁρμονιῶν . . . εὐαισθήτως; εὐάρμοστον καὶ εὔρυθμον; εὐαισθήτους . . . περί τε τοὺς ῥυθμοὺς καὶ τὰς τῶν ἁρμονιῶν συστάσεις. More precisely, it pertains to the aesthetic perception of whether rhythms and harmonies have been composed in proper ways and joined to suitable subjects (προσήκοντα, συστάσεις). In determining whether a work has been well fashioned (*eu*) and is therefore beautiful (*kalon*), the critic must evaluate properties of harmonic and rhythmic composition—properties that are independent of one's hedonic disposition but are perceived through advanced practice and theoretical study of music.

Once again, Plato gestures toward, without rearguing, claims developed in earlier dialogues. *Timaeus* 80a–b distinguishes between sensory pleasure (*hêdonê*), which is experienced by the foolish when listening to music, and intellectual pleasure (*euphrosunê*) enjoyed by the wise when contemplating divine harmony in mortal movement. A similar distinction obtains in the *Laws* between non-rational pleasure induced by performance of choral song and dance, and the critic's determination of whether a work is fine (*kalon*) and well crafted (*eu*) on account of its harmonic and rhythmic composition. A more pronounced subtext, however, is the harmonic and rhythmic modal theory associated with Damon (whose work Plato portrays as exceedingly esoteric).[92] Plato invokes Damon in the *Republic* to argue that rhythmic and harmonic goodness (*eurhuthmia, euarmostia*) naturally accompany good diction (*eulogia*) and contribute to the formation of good character and posture (*euêtheia, euskhêmosunê, Resp*. 3.400b–e).[93] According to Aristides (*De Mus*. 2.9, 80.23–81.6 = Damon frag. 37 B7 Diels-Kranz.), Damon was especially concerned with the selection (*eklogê*) of appropriate notes in the character

education of the very young and the very old.[94] Plato also argues in the *Laws* that the selection (cf. ἐκλέγεσθαί, 2.670d5; ἐκλογῆς, 2.670e7) of fine music to educate the elderly and the youth requires knowledge of rhythms, harmonies, and mimetic beauty. *Eu* thus appears to be a buzzword in fourth-century harmonic and rhythmic theory, especially as it pertains to pedagogy and moral cultivation.

If this proposal points in the right direction—if, that is, *eu* as an evaluative criterion applies strictly to rhythms and harmonies—the determination of beauty (*to kalon*) in music involves yet another critical discourse and domain of knowledge in addition to that of mathematical proportion. For a critic to judge whether a work is fine (*kalon*), he must have higher-order knowledge concerning harmonic and rhythmic relations—that is, the recondite knowledge to discern whether a melody has been beautifully or well (*eu*) composed of the necessary musical elements. Plato stresses that knowledge of this caliber is exceptional, the product of an education more exacting than the mass audiences and poets receive (2.670e). Poets, who need not "know whether a mimetic work is beautiful or not" (γιγνώσκειν, εἴτε καλὸν εἴτε μὴ καλὸν τὸ μίμημα, 2.670e5), will hardly understand rhythms and harmonies. To rank works in order of beauty and lead the youth in the formation of noble characters, the Chorus of Dionysos must venture beyond the choral Muse and turn to philosophy to study harmonic and rhythmic order in music, the rational order of the soul's motion, and the divine order of the cosmos.[95]

With this framework in mind, we may return to Ford and Halliwell's claims that the *eu* refers, respectively, to a strictly technical aspect of imitative art (i.e., excellence in composition) or to the moral influence it has on society. Both readings are entailed in Plato's understanding of objective poetic beauty; for Plato would resist making a distinction between technical excellence and social benefit. The Athenian Stranger claims that only dance postures and songs that 'partake of virtue of soul or body' (τὰ μὲν ἀρετῆς ἐχόμενα ψυχῆς ἢ σώματος, 2.655b4) are universally 'beautiful' (καλά, 2.655b5), whereas those partaking of vice are the opposite. Features that render a work fine on technical grounds are the same as those that make it beneficial on ethical grounds; rhythms and harmonies that are joined inappropriately or to inappropriate subjects are both deficient in beauty and harmful to the audience (2.669b–c).

As commentators have recognized, much of the mimetic and harmonic theory in the *Laws* is familiar from the *Republic*.[96] But we must be careful to differentiate the *Laws* from the *Republic*; for the emphases of Plato's inquiry have shifted. Specifically, the *Republic* censures mimetic art as three removes from the truth (*Resp*. 10.595c–598d). Socrates' example—the manufacture of

a couch, the surface appearance (*phantasma*, cf. *Resp.* 10.598a–b, 10.599a) of which a painter renders not by contemplating its universal form but copying its image as it appears from his own subjective position—points up the troubling lack of correspondence between the Form of the Good and non-logical poetic representations of nominally good persons. Because poets cannot be trusted to understand the Good, they can neither perceive it accurately in life nor portray it in mimetic art. More problematically, a theatrical audience would not find faithful representations of good persons artistically appealing; instead of modest representations of noble men suffering or flourishing dispassionately, crowds savor titillating portrayals of persons indulging in histrionics, portrayals that augment the irrational, appetitive parts of the soul (*Resp*. 10.603a–605c).

If the theory of mimesis is leveled *against* mimetic poetry in the *Republic*, in the *Laws* it is repackaged as a *solution* to a new problem, one that arises from inviting representational art into the *polis*. That problem, and the nexus of the *Laws*' primary concerns, is not merely that art is mimetic and therefore admits of subjective, ignorant, or passion-inducing misrepresentations. It is, rather, a poetic trend that muddies mimetic relations. Plato criticizes poets who separate rhythm and postures from melodies; sunder melody and rhythm from words; set men's words to women's tunes; conflate the rhythm and postures of free men with those of slaves; and dissociate genres from the sacral traditions in which they originate (2.669b–2.670a).[97] Poets and musical vogues that esteem virtuosity over representational fidelity have made it impossible 'to determine on the basis of rhythm and harmony what [the poem] intends and which of the noteworthy objects of representation it resembles (ὅτι τε βούλεται καὶ ὅτῳ ἔοικε τῶν ἀξιολόγων μιμημάτων)' (2.669e2–4).[98] The worry in the *Laws* is that the surface appearance of the imitated object is no longer transparent; it has been transferred into another medium (poetry, dance, or the *aulos*), but the image is now mediated by innovative artistic conventions and tastes and may be rendered with varying degrees of fidelity; Plato's concern is that such poetry is not mimetic enough. Mimetic art thus becomes an even more fraught phenomenon, having a greater capacity to encode inaccuracies derived from the artists' unscientific and subjective positions and irrational psychic states.[99]

Plato's solution to the problem of mimetic art that no longer represents its intended object or essence (*ousia*) rests on three interrelated arguments. First, the interlocutors in the *Laws* take for granted the *Republic*'s argument that only representations of virtuous actions are in fact beautiful and beneficial to the audience (2.655a–c) and that one must prefer the sort of music that represents the good (*to kalon*; cf. 2.668b2). The *Republic*'s claims

regarding the moral and ethical effects of mimetic art are thus treated as a consensus view. Second, as we observed in the last chapter, the *Laws* assumes that the soul's passional elements are teachable; they can and must be habituated to delight in portrayals of objectively good actions. The third is to guarantee that mimetic art must represent—in a way that is intelligible to the audience—genuinely virtuous actions. Ensuring the last is among the distinctive roles of the sympotic critic.

As Halliwell concedes, Plato ultimately offers a "less than limpid" formulation of critical standards; nothing in the *Laws* approximates the sophisticated mimetic and modal theories of the *Republic*.[100] But it is worth recalling that Plato's agenda is not merely to justify transferring the interpretation of representational arts from a discourse of pleasure to one of objective mimetic, harmonic, and rhythmic qualities. What is developed here is not soley standards of evaluation, but the notion of criticism as a civic institution that introduces virtue within mimetic performance. The *Laws* thus offers a symphony of critical discourses and models of performativity that replay within distinct communal spaces and paradigms of judgment a single philosophical worldview: authoritative performances of justice, temperance, and bravery that position the critic as the teacher of audiences and poets in theatrical contexts; and the theoretical evaluation of mimetic and musical qualities in the symposium. Each paradigm entails a specific psychological condition: the theater critic is courageous, sober, and unwavering in the face of the raucous crowd, while the Chorus's critical faculties are lubricated and rejuvenated in honor of the eponymous god. Each also requires distinct performative demonstrations of virtue, the former a pronouncement and exhibition of social and psychological virtues (justice, temperance, bravery), the latter an exercise in which wisdom (ἔμφρονα) and calculation call the tune. Unlike the declarative, educative pronouncements of the theater, critical discourse in the symposium is dialogic and philosophical. In this sense, the Chorus's symposium acquires the qualities that were missing from the *agôn* in pleasure: rigorous, universal, and nonsubjective principles of judgment. The *synousia* of the Chorus of Dionysos, by contrast, acquires characteristics for which Plato criticizes Athenian theatrocracy: the readiness to question and debate aesthetic, moral, and political principles. Just as the dialogic and egalitarian attributes that characterized Athenian theatrocracy are transferred to the symposium, the ideal theater is invested with a critic who, like a symposiarch, moderates the revelers' unruly passions and guarantees social order.[101]

Ford suggests that Magnesia's critical practices "restore musical aristocracy," and indeed, there is a pronounced undercurrent of political tension in Plato's ideal performance culture. The theater is imagined as a struggle (ἐναντιωσόμενος, 2.659b3–4) between spectators and judge, each preferring the practice of criticism that favors its mode of pleasure and political status: the raging of the crowd against the judge's performance of virtue.[102] Both the theatrical *kritai* and the members of the Chorus of Dionysos are referred to in language evocative of fourth-century elite distinction (βελτίστους, 2.658e9; τὸ ἄριστον τῆς πόλεως, 2.665d1). Politicization of the Chorus is especially marked: Plato refers to its members as 'law wardens' (νομοφύλακας, 2.671d5), 'leaders' or 'officers of Dionysos' (ἡγεμόνες, 2.670e1; τοῖς ἡγεμόσιν τοῖς τοῦ Διονύσου, 2.671d9–e1), and 'legislators in music' (νομοθέτας περὶ τὰ μουσικά, 7.801d5). The metaphor of the Chorus as *hêgemones* is implicated in Greek choral vocabulary; *hêgemôn* elsewhere describes the leader of a chorus; but insofar as *hêgemôn* also retains its martial and political connotations, the Chorus of Dionysos extends the *Laws*' program of integrating political and cultural spheres.[103]

If Magnesia's aristocratic orientation provides the overriding impetus behind its institutions of criticism, its participatory compromises are nevertheless evident. As we observed in Chapter 1, the *Laws* is involved in a larger undertaking among fifth- and fourth-century intellectuals to develop systems of thought and governance that are equally nondemocratic and non-coercive. Citizens are thus provided justifications in preludes for obeying the law, and consent of the governed is among the defining features of Magnesia's constitution.[104] Practices of criticism, too, foster ethical and aesthetic concord; hence the emphasis on the critic as educator and the insistence that citizens be raised to concur with the aesthetic tastes and judgments of their elders (2.659c–660a). Analogous participatory prerogatives inform the selection of judges: musical experts are required to participate in the nomination process and candidates are drawn exclusively from a body of specialists (6.764e–765c), and only one question is put to the voters: 'Who of the candidates is not expert (ἄπειρος) and who is expert (ἔμπειρος) [in *mousikê*]?' (6.765b3). The arrangement favors knowledge and training—that is, traditionally aristocratic attributes—but all citizens are entitled to participate in the distribution of cultural authority.

It is telling that the Chorus of Dionysos resembles Magnesia's chief governing institution, the Nocturnal Council.[105] Both receive a more exacting education (*akribestera paideia*: 2.670e2–3, 12.965b1) than the common

citizen and are described as the salvation (*sôtêria*, 2.653a3, 12.960d3) of the citizens' souls and the city's institutions; and both offer mechanisms by which, in Morrow's words, "to apply philosophy to the saving of the city-state," and posit scientific knowledge as the ultimate discourse in which to evaluate poetry and politics.[106] The effect creates a parallelism between the political and the aesthetic life of the citizen. Authority, whether political or poetic, is distributed according to education, virtue, and knowledge, and is manifest in the institutions of performance as the prerogative to engage in literary criticism (2.666a–c; cf. 1.644a).

2.5 Conclusions

Nowhere is the interplay of Plato's immanent and rejectionist critique of Athenian culture more evident than the critical discourses brought into second-best city.[107] Magnesia's critical practices are positioned against and yet within the framework of Athenian theatrical traditions, negotiating an equally dicey position within the Panhellenic cultural and political landscape.[108] Doric choral customs, a remedy to aesthetic relativism, are shown to be an insufficient basis for musical knowledge; the critic must aspire beyond the choral Muse, to a philosophy of mimetic, rhythmic, and harmonic art. Plato's posture toward criticism replays in microcosm the text's rejectionist and immanentist balance, embedding and extending Plato's philosophical ideals within the unideal world of a second-best city, and working out earlier dialogues' social and political aspirations through ancient institutions. This chapter has traced the invention of two such institutions: the literary critic as performer of philosophy and the Chorus of Dionysos. In doing so, it has charted *Laws*' navigation of its own position and, more precisely, of the role of philosophy within the fourth-century critical tradition. By writing against Athenian generic and critical traditions that form an integral part of the history of democratic ideology, Plato remakes criticism in the theater as a performance of philosophy that both recognizes philosophical standards of excellence and instantiates virtue in the psyche and the theater. Plato's final contribution to the history of literary criticism is to invest performative modes of criticism with philosophical significance and to imagine the language of criticism as both philosophical and performative. In the choreography of real and utopian, theatrical and sympotic, performative and philosophical, criticism in the second-best city becomes consonant with

its modes of valuation and distributions of authority. In Plato's ideal city, one graduates from being ruled to ruling, from dancing to spectating, from performing to criticism. Like the paradigms of judgment in Athens's aristocratic past and democratic present, Magnesia's institutions of criticism replicate its political hierarchies. To put it otherwise—and paradoxically—in the *Laws*, Plato offers his own theatrocracy, a rule of the philosophical spectator in which the authoritative critical act is not the rumbling of the masses but the contemplation of mimetic relations, harmonies, and rhythms. In the next two chapters, we turn to the genres of performance that Magnesia's critics are charged with regulating.

PART II

Genre

3

Law's Genres

HYMNS, ENCOMIA, AND THE REMAKING OF LAMENT

3.1 Introduction

One of the reasons that literary genres are of interest to the cultural historian is, as Todorov argues, that genres are "choices among discursive possibilities, choices that a given society has made conventional."[1] Genres therefore reflect the norms, behaviors, and values that define the community in which literature is read and performed. Todorov continues,

> [E]ach epoch has its own system of genres. . . . Like any other institution, genres bring to light the constitutive features of the society to which they belong. . . . [A] society chooses and codifies the [speech] acts that correspond most closely to its ideology; that is why the existence of certain genres in one society, their absence in another, are revelatory of that ideology and allow us to establish it more or less confidently.[2]

The first two chapters examined the theoretical underpinnings and principal institutions that allow Plato to rehabilitate performance as a key instrument in the making of citizens. Chapter 2 observed that the *Laws* occupies a unique position within classical thought on criticism, an early attempt to wed performative traditions of literary judgment to a philosophical conception of mimetic correctness. As the critique of Athenian theatrocracy suggests, the *Laws* also proposes one of the earliest accounts of the principles of generic taxonomy and morphology. Plato attributes the rise of Athenian political liberty to a debased rule of the spectator (*theatrokratia*), a

byproduct of generic intermingling (3.700a–701a). Laws and constitutions thus correspond to systems of genre, and the psychological dispositions that undergird a city's political arrangement are replicated, influenced, and produced by the genres that comprise its musical repertoire. The problem of Athenian democracy is therefore also a problem of the genres and speech acts that Athenians have chosen.

This chapter and the next examine Plato's efforts to design a system of genres that codifies the constitutive features and suits the ethical demands of a philosophically informed political community. In contrast to the *Republic*'s hymns and encomia, Magnesia's stage remains open to a variety of genres, some of which Plato represents as conforming to its legislative program (e.g., hymns and encomia), while others (e.g., comedy, *iambos*, lament, and tragedy) are diagnosed in the *Laws* and elsewhere in the Platonic corpus as psychologically and politically deleterious.[3] Chapter 4 considers Plato's approach to the latter group, genres that violate the *Laws*' ethical principles. The genres discussed in this chapter—ritually correct utterance (*euphêmia*), hymn, encomium, and modes of praise and blame—are treated as uniquely compatible with the political and ethical demands of the second-best city; they are the least problematic genres in Plato's final dialogue, and it is perhaps because *euphêmia*, hymns, encomia, praise and blame (appear to) fit so neatly within Plato's approach to poetic censorship that they have garnered such little scholarly attention and are often regarded as artistically impoverished.[4] The problem with this view is that, as the ancient literary record suggests, encomia and hymns were sites of both traditionalism and poetic innovation, and closer examination of the *Laws*' proposals warns against the assumption that the forms that comprise Magnesia's canon are as unproblematic as Plato suggests. As we shall observe in more detail below, for instance, Plato's normative claims regarding hymn and encomium stand in contrast to his usage, and the *Laws*' posture toward both genres remains revisionist and nuanced. Plato does not inherit hymns and encomia as ready-made literary forms; he rather fashions from hymnic and encomiastic discourse the poetic conventions most ideally suited to the laws of the second-best city.

According to Rossi's influential formulation, the history of ancient Greek genres coincided with the developmental stages of the *polis*.[5] In the archaic period, rules of genre are observed but unwritten; in the classical, rules are written and observed; in the Hellenistic period, rules are written, serving as principles of taxonomy for the Alexandrian scholarly community, but are largely unobserved by the poets, many of whom were also scholars. As Rossi

acknowledges, however, this account of generic periodization appears too neat on two counts. First, the fourth century is characterized by a spectrum of descriptive and prescriptive generic definition: some genres, such as epic and tragedy, are especially well defined, with commentators and poets ostensibly aware of, and conforming to, genre-defining principles; others (e.g., *nomos*) remain imprecise both in practice and meta-textual commentary; others still (dithyramb and comedy) appear fixed in practice and principle, but admit formal and thematic transformation over time and place. A central question in this chapter is thus where in that spectrum to fit hymns and encomia, the song and dance forms that comprise the centerpieces of Magnesia's performative repertoire and the mainstays of its system of genres. That is, to what degree do hymns and encomia designate well-defined genres, distinct in terms of speech, music, and dance, encoding discrete relationships of authority, ethical dispositions, and occasions of performance?

Second, as Rossi acknowledges the divergences between practice and theory that characterize the Hellenistic period are already evident in the early classical, becoming especially pronounced by the middle of the fourth century. The emergence of normative philosophical discourse on the nature and function of poetic form coincides with an era of intense artistic experimentation, especially with respect to innovations in genres set to the *aulos*. The *Laws* thus straddles two concurrent developments: it participates in a meta-level conversation in which literary forms are subjected to theoretical analysis, and it does so in response to a period of formal innovation in which genres have become increasingly destabilized and resistant to categorization. Such philosophical interest in genre may be understood as a traditionalist backlash to the perceived loss of generic consistency; it is thus no surprise that the *Laws*' posture toward the New Music is rejectionist. Plato accuses auletic experimentation of ushering in a period of post-mimetic musical trends in which performers violate divinely sanctioned principles of representation and virtuosity is valued for its own sake (2.669b–e). The ensuing generic miscegenation produces interpretive confusion and musical lawlessness, which, as we observed in the last chapter, Plato suggests has instigated political and social dissolution. Despite (or perhaps because of) the innovative impetus within the New Music, Plato regards generic stability as central to religious and social order.[6]

Yet, the *Laws*' "plea for generic purity," as Nightingale describes 3.700a–701a, represents at best an inconsistent endorsement of formal permanence.[7] On the one hand, Plato's critique of post-mimetic music appears to articulate what Derrida has characterized as the *nominal* law of genre: "Genres

are not to be mixed," an injunction that necessitates strict adherence to generic norms, reverence for inherited types, and obedience to authoritative tradition.[8] On the other hand, the *Laws*' insistence on generic purity is belied by Plato's textual strategies. As Nightingale's *Genres in Dialogue* has shown, Plato invents the philosophical dialogue through a carefully calibrated appropriation of rival genres: "[i]f genres are not merely artistic forms but *forms of thought*, each of which is adapted to representing and conceptualizing some aspects of experience better than others, then an encounter between two genres within a single text is itself a kind of dialogue."[9] The genre of the philosophical dialogue represents the opposite of generic purity; it borrows from other genres, alludes to other genres, and uses to its own ends the discourses, *topoi*, themes, and structural characteristics of other genres.[10] While the *Laws* is not known for its literary panache, it too continues Plato's project of inventing philosophical genres—that is, the dialogue and the genre of legislation—by the appropriation of rival literary traditions. The *Laws* combines historiography and cosmology to fashion a genre of *politeia*, that is, philosophical commentary on ideal political communities, Morgan observes that the first two books of the *Laws* offer a mimetic commentary on appropriate sympotic customs; the dramatic conversation among Kleinias, Megillos, and the Athenian Stranger reflect the norms of conviviality spelled out in sympotic poetry (particularly Xenophanes).[11] Bobonich argues that the *Laws*' conception of philosophical legislation (notably, the form of preludes) combines genres of medical discourse with the philosophical *elenchus*, and that such generic crossbreeding plays an essential role in ensuring the stability of the citizens' ethical beliefs.[12] Appropriative generic hybridity is one of the means by which Plato differentiates the *Laws* from, but also annexes the discursive possibilities and cultural prestige of, rival genres.

If the *Laws* at once demands generic purity and yet betrays generic cross-contamination, the picture is complicated further by its integration of genres not only within the text of the philosophical dialogue, but also within a semi-utopian political community. When the *Laws* alludes to, or appropriates the stylistic features of, a specific genre, it engages in an intergeneric dialogue in which the genre of philosophy emerges as a fabric of genres woven into the text. But when Plato introduces genres into Magnesia—when he proposes to allow the citizens of the second-best city to perform or spectate forms of song and dance—the intergeneric dialogue is transferred from the level of the text into the culture of second-best city and the souls of its citizens. As Most observes, genres are social phenomena, entailing shared expectations among authors and performers, readers and audiences.[13] Genres originate from, and remain in dialogue

with, contextually specific, social relationships among performers, audiences, and the society in which performances occur.[14] To the degree that genres are in performance—collective activities involving agents in various modes of scripted behavior—genres are also a means of organizing communities around specific kinds of aesthetic experiences. For Plato, as we observed with respect to Athenian theatrocracy and its aristocratic antecedents, genres also encode distinct models of organizing the soul's passions. Genres thus come freighted with distinct literary, political, social, and psychological histories. The *Laws*' intergeneric dialogue involves not merely grafting forms of thought from one text to the next, but institutionalizing and crafting an ideal life from the implicit rules of social and psychological organization that inhere in forms of song, poetry, and dance performance. Its intergeneric dialogue thus occurs on three parallel levels: the text, that is, the philosophical dialogue that is the *Laws* and which draws on rival literary forms; the city, which contains a system of genres that comprise its repertoire of performance; and the soul of the citizen, shaped in performance.

Whatever individual meaning and political or ethical coloring it may have held in the fourth century, each genre introduced in Magnesia is made to instantiate the ethics and politics of the *Laws* and its law code. Yet, this is not as straightforward a proposal as it might appear. It is not the case, for instance, that the *Laws* rewrites the content of every genre as an iteration of itself. Genres staged in Magnesia serve as opportunities to incorporate within the city the unique roles, duties, pleasures, and anxieties associated with each type of performance. The *Laws* takes possession of genres as unique systems of meaning, sociopolitical relationships, and psychological constitutions from which to fabricate the second-best city's own system of meanings, relationships, and psychological constitutions. Its approach to each is correspondingly adaptive, treating no two genres alike, but rather constructing models of generic annexation specifically tailored to the ethical preferences, psychologies, politics, and social characteristics, as well as the forms of thought, that define each genre. By employing strategies that range from censorship to redaction, opposition to assimilation, the *Laws* positions genres as distinct cultural practices within the musical landscape of the second-best city, fashioning its performance culture as a bricolage of contemporary genres.

The next section (3.2) examines the legislative framework ('laws of *mousikê*') that govern hymn and encomium, the primary genres of Magnesia's musical canon, and the principles of ritual propriety and impropriety (*euphêmia* and *blasphêmia*) that are among the central nodes of concern in Plato's laws

of *mousikê*. Section 3.3 addresses the *Laws*' approximation (and appropriation) of Panhellenic and Panathenaic athletic competition through a careful calibration of epinician praise (*epainos*) and its negative but equally official discourse of valuation, poetic blame (*psogos*). Section 3.4 treats Plato's program to replace lamentation (*thrênos*) with celebratory epitaph, as well as hymnic song (*melos*) and encomium, which, through recitation and reperformance, refashion funerary performance as a symbolic representation and affirmation of civic virtue. Taken together, the analyses presented in this chapter offer an account of Plato's envisioning of forms of hymnic and encomiastic song that formalize in music the lawmaker's writings (*grammata*), that is, a system of genres that points the audience and performers to the text of the *Laws* itself as the final source of poetic inspiration and authority.

3.2 *The* Laws*' Genres: Hymns, Encomia, and the Politics of* Euphêmia

The project of Book II of the *Laws* is to argue for the possibility and desirability of subjecting song and dance to legal regulation; to clarify the arguments that performance ought to make; and to design the institutions, technologies, and forms of critical discourses to ensure that, once corrected, poetry, song, and dance become resistant to change over time. That project is not complete until Book VII, in which Plato provides 'laws of the musical arts' (*nomoi tês mousikês*) that establish a framework by which to institutionalize *euphêmia, hymnos*, and *enkômion*. From the *Republic*'s insistence that hymns and encomia are the only poetic forms appropriate to the life of the adult citizen (*Resp.* 10.607a–b), we may infer that the categories of performance addressed by the laws of *mousikê* constitute the mainstay of Magnesia's poetic canon. On Tate's account, Plato portrays hymns and encomia as 'good mimesis,' that is, as poetry that represents the Forms—a position criticized by Nehamas, who insists that the Forms are apprehended only through philosophical dialectic.[15] Naddaff suggests that hymns and encomia "are defined by the absence of tragic suffering; they, like the myth of Er in the *Republic*, represent only the rewards and happiness that come from being good, ignoring the misery suffered even though one is, in fact, good."[16] In the *Laws*, Plato portrays hymns and encomia as occupying an uncomplicated relationship to the law code. That relationship, the Athenian Stranger broadly declares, is one of identity; the city's hymnic and encomiastic songs are equivalent with its laws and carry the same prescriptive force:

> Let it be granted then, I say, that, as strange (ἄτοπον) as it may seem, our songs (τὰς ᾠδάς) have become laws (νόμους). This is in agreement with the names the ancients, as is likely, somehow gave to songs accompanied by the *kithara*, and so they probably would not have disagreed entirely with what is being said now: someone prophesied it vaguely in a dream, either while asleep or while in a state of waking vision. At any rate, this is to be the principle (δόγμα) about it: let no one voice anything or make any dance movement contrary to the public and sacred songs (τὰ δημόσια μέλη τε καὶ ἱερά), or the whole choral performance of the young (τὴν τῶν νέων σύμπασαν χορείαν), any more than he would go against any other 'laws' (νόμων). He who goes along may depart unpunished, as was just now said, by the Law Wardens, the Priestesses, and the Priests. (7.799e10–800b1)

The 'rule' (δόγμα) prohibiting performance of unsanctioned songs and dances enlarges the term *nomos*, meaning both 'law' and 'song accompanied by kithara,' to encompass the entirety of the *Laws*' musical canon. Homonym thereby becomes homology; law and song do not merely share the same name; they are treated as subspecies of a single authoritative discourse. The Athenian Stranger proposes three laws of *mousikê* and a series of regulations applicable to all forms of performance (for simplicity, we refer to both the numerated laws and regulations that follow as laws of *mousikê*). The laws of *mousikê* are not Plato's final word on performance; the Athenian Stranger returns to the subject of *khoreia* within fifteen Stephanus pages. Nevertheless, they merit special attention as the most consolidated, programmatic statement in the *Laws* on the relationship between *mousikê* and the law code. We treat each law in turn.

The first law establishes ritual propriety (*euphêmia*) as a baseline attribute of Magnesia's performance scenarios:

> ATH. With regard to such a thing [i.e., ritual lament], I ask us ourselves once again: should we lay down this first instance as one of the satisfactory mold for our songs (τῶν ἐκμαγείων ταῖς ᾠδαῖς)?
>
> KL. Which?
>
> ATH. Auspicious speech (εὐφημία). Should our species of song be auspicious in speech (τὸ τῆς ᾠδῆς γένος εὔφημον), completely and on every occasion? Or shall I not ask, but shall I just ordain it this way? (7.800b4–801a2)

The next chapter examines this passage in detail for what it reveals regarding Plato's strategies of dealing with deviant discourse. Here we note that ritual propriety, as Plato understands it, has two parameters. *Euphêmia* is first, and most traditionally, determined by reference to the religious context of speech; as Rutherford observes, it "often amounts to ritual silence, since the utterances regarded as ritually correct are very few."[17] But for Plato, secondly, ritually correct utterance defines a *genos* of song (τὸ τῆς ᾠδῆς γένος εὔφημον) of which individual odes are subspecies. *Euphêmia* does not define a genre in a strict, modern sense of the word as a form of literature or song with precisely determined stylistic properties and conventionalized themes. Rather, just as poetic lament is a feature in numerous distinct genres—as Halliwell observes, Plato in the *Republic* represents *thrênos* as definitive of all dramatic and epic poetry—and may therefore be utilized to group distinct genres according to that common feature, *euphêmia* establishes the class-marker for the many forms that comprise Magnesia's repertoire of civic performances.[18] We are reminded, then, of the claim developed in the previous two chapters that genres are crystallizations of character, each with specific harmonic, rhythmic, and verbal coordinates. For Plato, the psychological state and concomitant linguistic and musical elements of *euphêmia* suffice to differentiate it as a *genos* from other types of performance.

The exact rendering of the second law is contested; it is therefore presented in translation alongside the original:

> Following ritually appropriate utterance, what shall be the second law of music? Is it not that prayers are for the gods to whom we are sacrificing on each occasion?[19]
>
> Τίς δὴ μετ' εὐφημίαν δεύτερος ἂν εἴη νόμος μουσικῆς; ἆρ' οὐκ εὐχὰς εἶναι τοῖς θεοῖς οἷς θύομεν ἑκάστοτε; (7.801a5–6)

Difficulties arise with respect to the second line, which Pangle translates as, "Is it not that there are to be prayers to the gods to whom we are sacrificing on each occasion?"—the force being that sacrifices are to be *accompanied by* prayers. Yet, this construal is problematical because the second law of *mousikê*, as Pangle translates it, is superfluous; the absence of prayer in sacrifices to gods would already be regarded as aberrant and sacrilegious in ancient practice. Moreover, on Pangle's reading, the law would apply to religion (the subject of Book X) and would have little to do with *mousikê* per se. England comes closer by interpreting the law as insisting that "what utterance there is must consist of *prayers* to the gods to whom the sacrifices are offered."[20] In

this sense, all musical language in Magnesia, particularly when accompanying sacrifice, is treated as constituting prayer. The law further stipulates that the prayers contained in performance should be addressed to the particular gods to whom sacrifices are being made. Insisting that the performance correspond to the god to whom the sacrifice is made may appear redundant with respect to *euphêmia*; that is, it may seem to restate the law that the utterance (prayer) ought to be appropriate to the occasion of performance (the worship of a particular divinity). However, the first law makes the general claim that all performance must be ritually correct, while the second adds the specification that *euphêmia* must be realized by addressing the particular god in honor of whom the sacrifice is held. The latter interpretation is supported by a later passage in which the Athenian Stranger declares that each month and day shall be devoted to one of the city's gods, and on that day there will be sacrifices, songs, and dances in that particular god's honor (8.828b–d). Even forms of performance that revere chthonian deities serve a role in the city's ritual performance calendar by tempering the citizens' martial ethos with the philosophical recognition that the separation of body from soul remains a desirable condition. In this respect, the second law of *mousikê* legislates against the musical and religious contamination that characterizes Athenian theatrocracy. As Kowalzig argues, in the *Laws* "[d]ancing different choral forms for different gods means dancing distinct, clear-cut emotional and ethical *tropoi*."[21] By keeping devotional performances to each god distinct, the law prevents hybrid song forms from promoting confused messages regarding the nature of divinity and from confounding the psychological dispositions that genres encode.

The third law further circumscribes the argument and psychological disposition promoted in Magnesia's repertoire of songs:

> The third law, I suppose, will be that poets, knowing (γνόντας) that prayers are requests to gods, must be mindful (τὸν νοῦν αὐτοὺς σφόδρα προσέχειν) never unwittingly to ask for evil as though it were good (λάθωσιν κακὸν ὡς ἀγαθὸν αἰτούμενοι); for the emotion (πάθος), were that sort of prayer to occur, would, I believe, be comedic (γελοῖον). (7.801a8–b3)

The law makes two claims, one pertaining to the nature of poetic utterance and the other to the appropriate cognitive state of the poet in composition. Poetry makes truth regarding the nature of good and evil; it therefore is (or at least should be) an expression of the knowing mind (γνόντας, νοῦν).

As a sacral speech act, poetry must reflect in its austerity the emotional valence (πάθος) of the words, ethical beliefs, and system of values it represents, and must preclude the comedic or serio-comic (γελοῖον), the pathos that emerges from the irony of employing prayerful discourse to ask for an evil as though it were good.[22] The interlocutors doubt that poets may be trusted to understand the difference between good and evil, and to shape the citizens' orientation toward pleasure and pain, misgivings that lead the Athenian Stranger to restate the third law as mandating that poetic works will be subjected to scrutiny and censorship by the Law Wardens and Director of Education, and to insist that a group of elected elders must further screen and revise extant songs and choral dances so that they accurately represent the intentions of the legislator (7.801c–d, 7.802a–d). The upshot of the law's construing poetry as sacred speech is a mandate to censure the arts of the Muses, so that principles of poetic discourse become subject to those of legal discourse, and the homonymous relationship between *nomos* as law and *nomos* as musical mode becomes not one of identity but subordination.

The three laws of *mousikê* say nothing regarding the particular kinds of genres—that is, the conventional, formal properties, and themes—that Magnesia's repertoire will include, but the exchange that follows suggests that only two extant song forms are suitable:

> Next, after these things, at any rate, it would be quite correct to sing to the gods hymns and encomia adorned with prayers (ὕμνοι θεῶν καὶ ἐγκώμια κεκοινωνημένα εὐχαῖς). After the gods would come, in the same way, prayers with encomia (μετ' ἐγκωμίων εὐχαί) to the daemons and heroes, whatever is fitting to everyone of these. . . . Now after these things, at any rate, this law (νόμος) should immediately follow, without envy (ἄνευ φθόνων): it would be fitting for any citizens who have reached life's end, who have performed noble and laborious deeds with either their bodies or their souls (κατὰ σώματα ἢ κατὰ ψυχὰς ἔργα ἐξειργασμένοι), and who have been obedient to the laws (τοῖς νόμοις εὐπειθεῖς γεγονότες), to obtain encomia. . . . But it is not safe to honor through encomia and hymns (ἐγκωμίοις τε καὶ ὕμνοις τιμᾶν οὐκ ἀσφαλές) those still living (before a person has run through the entire course of his life and arrived at a noble end). Among us let all these matters be applied to men and women in common, to all those of either sex who become conspicuous for their goodness (κοινὰ ἀνδράσιν τε καὶ γυναιξὶν ἀγαθοῖς καὶ ἀγαθαῖς διαφανῶς γενομένοις). (7.801e1–802a5)

Although not flagged as such, this passage contains two laws, which together establish a hierarchy of poetic commemoration. The first law governs poetic speech appropriate to divinities (hymn and encomia adorned with prayer), the second restricts poetic praise (also designated as *hymnos* and *enkômion*) to citizens whose exemplary virtues and law-abiding lives offer protection against *phthonos* (on which more below). The law governing songs in honor of divinities should be read in light of the banishment in *Republic* 10.607a–b of all mimetic poetry save hymns and encomia, as well as the discussion of Athenian genres, according to which hymns—"a form of song comprising prayers to the gods" (τι ἦν εἶδος ᾠδῆς εὐχαὶ πρὸς θεούς)—and, the opposite to this, 'dirges' (θρήνους, 3.700a9–b4) are the earliest and most antithetically defined aristocratic genres. Plato would thus employ hymns and encomia to situate Magnesia's system of genres in a complex intra- and intertextual relation to the *Laws*' historical and literary antecedents. The poetic repertoire of the second-best city figures as a retrojection into the Athenian past, a restoration of archaic musical aristocracy; not lost here is the resonance of the Solonic principle of not declaring a person happy until his or her life is complete.

For all its insistence on pleasure and innovation, enchantment, intoxication, and insatiability, Magnesia's performance culture might therefore appear dry, antiquated, and desolate, its artistic *variatio* fully exhausted in two, meager poetic forms. That hymns and encomia serve as the vector for such retrojection, however, raises fundamental questions: Are either to be understood as a genre in any meaningful sense of the word? And, if so, in what sense, precisely? The terms *hymnos* and *enkômion* in ancient Greek may designate any number of genres and occasions of performance; boundaries between them are often porous, and a consistent principle differentiating the two, particularly in the archaic period, has proven especially difficult to pinpoint. Rutherford notes that the archaic poetry often seems to invoke and then deconstruct formal and normative conceptions of genre.[23] Fifth- and fourth-century classifications are no less problematic. As Harvey observes, modern generic categories, owing much to the Alexandrians, fail to account for the imprecision in classical generic terminology, and tend to focus on features of song and dance that ancient typologies appear to have ignored.[24] To be sure, *hymnos* and *enkômion* undergo a process of specification and resolution in the archaic and classical periods, from which emerges a degree of thematic coherency: hymn, originally inclusive of any form of melic, becomes identified with songs in honor of divinities; encomium, a general term for poems in honor of the giver of banquets, expands to include a variety of honorands and songs, including triumphal

odes sung at the *kômos, thrênos*, and panegyric.[25] Such broad historical trends in the history of hymnic and encomiastic genres admit of irregularity; and by the mid- and late fourth century, neither hymn nor encomium had yet completed the process of consolidation into specific genres, a fact reflected in the questioning among philosophers, for example, over the form of encomium. Plato's usage, for instance, is inconsistent; at 7.801e–802a he observes that both genres may honor humans and gods. By the same token, Aristotle (*Rhet.* 1.1367b2), who concurs with Plato's law regarding the appropriate subjects of encomium and construes accomplishments (*erga*) as the signs of virtue (*aretê*), also leaves the *formal* properties of the genre unspecified.

This is not the place for a comprehensive examination of the morphology of *hymnos* and *enkômion*, but the flexibility in ancient terminology raises questions regarding the nature of Plato's declaration that hymns and encomia are to be the only acceptable poetic forms in the *Republic* and, more significant for our study, the most pervasive types of performances in the ideal city of the *Laws*. Recall Rossi's claim that certain genres have consolidated by the classical period, others remained ill-defined, and others were still developing. Plato recognizes dithyramb, tragedy, and comedy as coherent genres with concrete conventions of form, content, performance, and psychological states, but can the same be said of his references to hymns and encomia? In what sense does Plato envision either *hymnos* or *enkômion* as a unique generic form of song or dance that cannot be separated from its theological or religious content and performance occasion? That is, does Plato have a systematic notion of and vocabulary for what these genres are, mean, or look like?

In this context, the irregularities in the details of Plato's discussion of hymns and encomia are especially telling. At 3.700a–b Plato offers a precise definition of hymn as the generic form (εἶδος) that conventionalizes the discursive properties of prayers to gods (εὐχαὶ πρὸς θεούς), but in 7.801e–802a those properties also characterize encomia in honor of daemons and heroes, which also contain prayers. While *hymnos* typically refers to poetry that celebrates divinities, and encomium does the same for mortals, in 7.801e–802a hymn and encomia are used interchangeably for songs in honor of men and women, the only difference between them being that hymns and encomia celebrating humans are not 'decorated with prayer' (κεκοινωνημένα εὐχαῖς, 7.801e1–2). Elsewhere in the dialogue, *hymnos* and its cognates designate numerous genres, musical and spoken, addressing assorted subjects, dedicated to both divine and mortal figures, and occurring within equally diverse occasions of performance. Homeric epic poetry (3.682a), the mythical works of Orpheus and Thamyris (8.829e), songs and rumors (7.812c, 11.931b, 12.960c), preludes to the

laws (9.871a), songs in honor of or pertaining to gods (3.700b, 7.799b, 7.801e, 7.822c), songs in honor of men and women (7.802a, 8.829c, 12.947b)—all are referred to as *hymnos*. *Enkômion* and its cognates encompass an equally broad semantic range, including the following: elegiac poetry of Tyrtaeus (1.629c); non-poetic commendation of an act or quality (6.753e–754a); commemorative inscriptions in 'heroic' meter (i.e., elegiac couplets, 12.958e); songs in honor of gods, daemons, and heroes (7.801d–e); and songs in honor of men and women (7.801e, 7.802a, 7.822b, 8.829c). Nor is the *Laws* consistent in its legislation regarding encomia; although the Athenian Stranger insists at 7.801e that encomia be performed in Solonic fashion only for those who have died, at 8.829c state officials honor living athletes with encomia. To introduce another level of complexity, lament (θρῆνος, ἐπικήδειον, οἶκτος, and ὀδυρμός)—the notional antithesis of *hymnos* in Plato's aristocratic Athens—may denote an array of more or less formalized mourning expressions (weeping, keening, chanting, choral poetry, and dance); and it is often unclear to which of these practices Plato refers.[26] Although Plato treats threnody as diametrically opposed to hymn, ancient poets occasionally identify *thrênos* as *hymnos*,[27] and ritual lament frequently speaks of the deceased in encomiastic terms, further blurring the distinction between threnody, encomium, and hymn.[28] On the one hand, Magnesia's law code prohibits generic hybridity and a number of edicts mandate that, for example, the form (i.e., harmonies, words, rhythms, and gestures) must be suited to the representation of appropriate subjects. On the other hand, the *Laws* contravenes its own mandate. Despite the *Laws*' tone of prescription and its assertion that genres are not to be mixed, the only exceptions to Plato's habit of employing hymnic and encomiastic terminology flexibly for a diverse range of forms and occasions are the three laws of *mousikê* discussed above and the critique of genre-mixing at 3.700, passages that are programmatically over-precise in their treatment of genres—and even these betray an elasticity of form and content within the language of hymns and encomia.

Slippage in Plato's musical vocabulary and inconcinnity between the *Laws*' normative directives and its literary practices comes as no surprise—Plato is not known to follow his own literary prescriptions. But the formal variety implicit in hymns and encomia calls into question a habit in contemporary scholarship of treating hymns and encomia as artistically impoverished. That assumption misses the point that the *Laws*' use of hymns and encomia as the ideal performances in the ideal city must be viewed as innovative and strategic, exploiting the adaptability of both genres to retroject a distinctly fourth-century, philosophical conception of performance into a

mythologized Athenian aristocratic past. As noted above, taxonomical systemizations of genres largely postdate—and are possibly inspired by—Plato's writings. The discontinuity between usage and legislation underscores Plato's position within an ongoing debate over the definitive features of genre, a debate in which in the form, content, subjects, and ritual occasions of hymn and encomium remain indeterminate and contested. Although Plato represents Magnesia's canon as a return to rigid aristocratic musical practices, the *Laws* shows that hymns and encomia are not genres in the most restricted sense, but discourses of valorization with loosely agreed-upon subjects, laden with notionally religious valence, and available within a variety of poetic forms and scenarios of performance, which cast the performer in a specifically serious, non-humorous pathos and contain claims regarding the cosmos, which, Plato insists, must be informed by truth and knowledge. Virtually any poetic form may be construed as *hymnos* and *enkômion* in this sense, making them especially efficient media from which to craft an ideal system of genres.

3.3 *The* Laws *in Praise and Blame*

If the previous section addressed relatively indefinite genres, genres suited for dissemination in diverse performance occasions, this section and the next turn to Plato's treatment of contexts that are more precise, and discourses of valuation that are, if anything, even less generically definite: athletic competitions and funeral rituals that include poetic performances of praise (*epainos*) and blame (*psogos*).[29] We begin from Plato's discussion of epinician victory ode, a genre treated in a lengthy passage in Book VIII, and proceed to address the discourses of praise and blame by which that scenario is defined.[30] We shall observe that both *epainos* and *psogos* have multiple generic and contextual manifestations, codifying the speech acts that correspond most closely to the genre of law and philosophical commentary on law (in other words, the *Laws*).

Citing the need to be prepared to counter foreign invasion, Plato insists that the entire population—men, women, and children—participate in monthly marches, mock battles, and athletic contests, and that smaller segments of the population do so more frequently (8.829b–e; for extensive quotation and discussion, see Ch. 6.2.). To each of the victors, the city awards 'prizes and honors' (νικητήρια δὲ καὶ ἀριστεῖα), commissioning poets (who are chosen not for talent but for age and virtue) to compose 'praise poetry' (ἐγκώμια) for some and 'invective' (ψόγους) for others, depending on the type of person each one is in competition and throughout life

(8.829c2–3). Poets 'glorify' or 'decorate' (κοσμοῦντας) those who seem to be the best and 'censure' (ψέγοντας) those who are not (8.829c5); and the only songs performed are those poems that have been judged sacred and dedicated to the gods, as well as those by good men that have been deemed to 'praise or blame' (ψέγοντα ἢ ἐπαινοῦντα) in a moderate manner (μετρίως, 8.829e1–3).

As an alternative to Panhellenic and Panathenaic athletic *agônes*, Magnesia's paramilitary *heortai* recast competition and victory prizes (νικητήρια) as preparation for battle.[31] Although the religious festivals upon which Plato draws inspiration are decidedly Panhellenic, moreover, the international qualities of ancient sport have been systematically suppressed in Magnesia. They are, instead, intensely local affairs, integrated within the workings of the government, games in which contestants and poets are required to be citizens—hence, the presence of political officials (the Director of Education, Law Wardens, and *arkhontes*) and the hierarchical structuring of the rules of composition, whereby honors are awarded according to the principles of age and accomplishment in virtue—the same principles that subtend the city's distributions of political authority. Importantly, Magnesia's athletic competitions coincide with the production of two kinds of poetry: songs that have been approved and consecrated in the past (presumably the hymns and encomia discussed above) and new epinician poems of praise and invective. The latter forms of poetry, which encode discourses of praise (*epainos*) and blame (*psogos*), render athletic competition amenable to Magnesia; the work of genres is to recode international, elite competitive festivals as appropriate to the specific, epichoric culture of the second-best city. The appropriation of Panhellenic and Panathenaic competition as military preparation coincides with—indeed, rests upon—the transformation of epinician poetry into a celebration of virtue, praise, or blame for the type of person each one is, both in contests and in the whole of life.

The *Laws* refers to discourses of praise and blame in more contexts than can be surveyed here, but it will be instructive to contextualize Plato's usage in 8.829b–e and to map the semantic field of *epainos* and *psogos* that Magnesia's athletic competitions and epinician poetry occupy. Aristotle construes *epainos* and *psogos* as part of the teleological development of literary genres; on his account, *iambos* and comedy evolved from *psogoi*, of which the Homeric *Margites* is emblematic; and from *hymnoi* and *encomia*, epic and tragedy arose.[32] However, *epainos* and *psogos* generally designate modes of articulating value that occur within and are shared by numerous genres, occasions,

and contexts of performance. Gentili notes that the "semantic field [of *psogos*] embraces the whole realm of the *humorous* (*geloîon*) or serio-comic," a range that includes vitriolic polemic, iambic invective, and the celebratory mood of the *kômos,* and *epainos* has a comparably wide signification, encompassing Homeric verse, encomium, and epinician.[33] Gentili further suggests that when the state distributed praise and blame, "the contrast between the two types of discourse was even integrated into the institutional system, functioning specifically to further the greater good of the community by praising the worthy and censuring the unworthy."[34] Detienne makes the related observation that discourses of praise and blame are especially characteristic of Doric *poleis*, playing an essential role in policing the "principle of equality between all citizens."[35]

Plato, like Aristotle, occasionally employs *epainos* as a synonym for *enkômion* (8.829c2–4) and *hymnos* (12.947b7–c2) (which, as discussed in the previous section, are themselves interchangeable and designate a variety of poetic forms), but more frequently follows contemporary usage in treating praise and blame as unrestricted to specific literary forms. Moreover, the *Laws* offers two basic definitions of *epainos* and *psogos*. First, they are understood to be informal discourses of valuation, which, though not contained within the law code, are nevertheless essential to the flourishing of the political community. Plato draws a (not always sharp) distinction between subjects that are appropriate for the rule of law (such as interpersonal transactions, the penal code, the structure of the constitution, and the institutions of government, education, and commerce) and those that both are impossible to legislate and yet shape the moral character of the individual; the latter are the domain of poetic praise and blame:

> We have now just about covered the relations with parents, with oneself, and with what belongs to one, as well as the city, friends, and family, and also strangers and the natives; what should come next after this is an explanation of what sort of person one should be oneself if one is to lead the most noble sort of life. In turning to these next matters we must speak not of law (νόμος), but rather of how praise (ἔπαινος) and blame (ψόγος) can educate each of them so that they become more obedient (εὐηνίους) and well disposed (εὐμενεῖς) to the laws that are going to be laid down. (5.730b1–c1)

Plato thus acknowledges the degree to which the substantive ethical decisions and choices regarding lifestyles, which are prerequisites for rule of law, fall beyond the proper domain of legislation. Law concerns the comportment

of the self amid familial, social, political, and international relations. Praise and blame, by contrast, intervene in a fluid area of public discourse, one in which the law code itself cannot enter.[36] Such precepts, which the citizens of Magnesia are expected to commit to memory and rehearse, comprise an informal system of popular beliefs, directing private and social behaviors, sculpting habits of mind, and furnishing the legislator with extra-judicial, discursive tools by which to influence personal ethics.

Praise and blame are, secondly, formalized honors, the distribution of which is a procedure of government. Several passages attest to this point, but we shall discuss only two representative texts, both of which indicate that among the primary uses of praise and blame is the demarcation of degrees of status and enfranchisement. In the first passage the Athenian Stranger proposes a law punishing sexually deviant behavior:

> . . . if anyone should have sexual intercourse with a woman other than those who enter his house with the sanction of the gods and the sacred marriage ceremonies, whether they be purchased or secured in any other way, and fails to escape the notice of all men and women, we would probably seem to be legislating correctly if we legislated that he should be barred from all honors in the city (ἄτιμον αὐτὸν τῶν ἐν τῇ πόλει ἐπαίνων) as though he were in fact alien (ὡς ὄντως ὄντα ξενικόν). (8.841d6–e4)

Epainos here designates not informal discourses that influence character, but official commendation allotted or withheld by the institutions of government. This passage further shows that honor comprises a salient feature of citizenship; the law officially strips the sexual deviant of honors (ἐπαίνων), symbolically stigmatizing him as disenfranchised (ἄτιμον). Such is also the case in the second passage, in which the city bestows praise on metics who prevent children from beating parents and blame on those who do not:

> If a stranger who is a resident alien (μέτοικος) helps [a parent who is being beaten], he is to be invited to take a front seat at the contests (προεδρίαν τῶν ἀγώνων), while if he has not helped, he is to be exiled perpetually from the country; he who is not a resident alien should receive praise (ἔπαινον) if he helps, and blame (ψόγον) if he does not help. A slave who has helped is to become a free man (ἐλεύθερος), while if he has not helped, he is to be beaten a hundred strokes with the whip. (9.881b4–c3)

Whereas 8.841d–e addresses the allotment of praise among citizens, 9.881b–c establishes regulations for non-citizens, revealing a convergence of political boundaries, on the one hand, and discourses of praise and blame, on the other. The law code rewards metics, non-resident aliens, and slaves who aid assailed parents by elevating them on a hierarchy of political status: for the metic, this amounts to extraordinary cultural privilege in festivals—*proedriai*, as we observe in the next section, are otherwise reserved for Magnesia's highest officials—for the resident non-metic institutional praise (ἔπαινον), and for the slave manumission. Conversely, it punishes each with a diminution of status: banishment for metics, blame for resident aliens, and for the slave, who can sink no further, the public humiliation and violence visited on the body.[37]

We have, then, two models of praise and blame: moral precepts that render citizens amenable to legislation, and official commendation and denigration awarded in a manner that buttresses sociopolitical hierarchy. The epinician songs awarded in competition most closely resemble the latter, publicizing honors and demerits for individual citizens—though, as we shall observe below, they are thematically connected to the first category, as well. What this means is that poetic praise and blame consist of forms of normative speech not contained within the law code; as extra-legal discourse, they are among the few foci of creativity and originality in Magnesia, points at which citizens are licensed to compose authoritative poetic commentary on behalf of the *polis*.

Potential pitfalls that arise from differentiating citizens and non-citizens through discourses of praise and blame are not lost on Plato. A recurring concern in encomiastic poetry is the propensity of praise to arouse feelings of envy (*phthonos*) and social disunity, and one of the social functions of epinician poetry is to shield the athlete from *phthonos* by articulating an attitude of humility toward the divine while redistributing individual glory (*kudos*) within the victor's family, clan, and larger *polis* community.[38] Plato picks up on the dual function of athletic festival performance as a celebration of individual virtue within the context of the larger community. The *Laws*' strategy for dealing with potential for *phthonos* is to designate poets whose works mete out measured (μετρίως) praise and blame to *laudandi* who demonstrate excellence in competition and throughout life. The laws of *mousikê* also limit the distribution of encomium and hymn to the deceased, and an earlier passage encourages ambition in the pursuit of virtue: "let everyone of us compete ambitiously for virtue without envy" (φιλονικείτω δὲ ἡμῖν πᾶς πρὸς ἀρετὴν ἀφθόνως, 5.731a2–3).

Yet, Plato regards the freedom and license to compose (παρρησίαν ἐν μούσαις, τῆς ἐν ποιήσεσι παρρησίας, ἐξουσίαν) as the chief prize (γέρας) for which competitors vie, a prize that goes not to the athletic victor but to the virtuous (8.829d5–6, e4–5). The qualifications for becoming a poet include having accomplished noble and celebrated deeds and thereby having proven oneself to be virtuous—not, as we noted above, poetic skill. Composers must themselves have been the subject of praise and honor (τίμιοι) for having accomplished celebrated deeds on behalf of the city (καλὸν δὲ ἔργον καὶ ἐπιφανές, ἔργων ὄντες δημιουργοὶ καλῶν, 8.829d1–3). The language used here echoes the laws of *mousikê*, according to which citizens who have reached the end of life, have conspicuously (διαφανῶς) accomplished illustrious deeds of body or soul (κατὰ σώματα ἢ κατὰ ψυχὰς ἔργα), and have been obedient to the laws (τοῖς νόμοις εὐπειθεῖς) may be the subject of hymns and encomia (7.801e1–802a5). As the linguistic and thematic parallels between the law and the requirements for becoming one of Magnesia's poets suggest (e.g., the stress on submission to law and the realization of excellence through conspicuous moral and physical accomplishments), the standards for license to praise are intensifications of the standards for receiving praise. It is also notable that the criteria by which poets are selected reflects the underlying principles that govern political status; one receives license to compose poetry and political authority in proportion to one's demonstrated ability to live virtuously.

How much license Magnesia's poets receive, however, is questionable, since both *epainos* and *psogos* are ultimately tethered to legislation and the lawmaker's written words:

> For all branches of learning, those which are the most authoritative (κυριώτατα) and have the greatest influence in making the learner become better are the ones that pertain to the laws (τὰ περὶ τοὺς νόμους κείμενα)—if, that is, they should be correctly set up; and they would be, or else our divine and marvelous law (νόμος) would in vain possess a name akin to intelligence (τοὔνομα νῷ προσῆκον). Moreover, as regards the other speeches, whatever praise or blame is uttered in poems (ἐν ποιήμασιν ἔπαινοι καὶ ψόγοι) about certain men, and whatever is uttered in prose (καταλογάδην)—whether in writings (γράμμασιν) or in all the other kinds of daily assemblies (συνουσίαις) (where they dispute, out of fondness for victory, and agree, sometimes in very empty ways)—of all these, the clear test (βάσανος) would be the writings of the lawgiver

> (τὰ τοῦ νομοθέτου γράμματα). These writings the good jurist must have acquired within himself, as antidotes (ἀλεξιφάρμακα) to the other speeches, and must use to correct both himself and the city: making the just things abide and grow in the good men, and effecting the greatest transformation he can in the bad men, away from lack of learning, lack of restraint, cowardice, and all injustice generally—that is, for whoever among the bad men seem to have curable opinions (ἰάσιμοι δόξαι). (12.957c6–e4)

Plato here insists that the touchstone (βάσανος) against which all poetic praise and blame is tested is the writings (γράμματα) of the legislator. Such *grammata* are inclusive of the laws (*nomoi*), preludes (*prooimia*), and informal moral directives that comprise the discourses of praise and blame discussed above.[39] All compositions and written subjects are therefore verified and measured against the law code. But, in another sense, this passage has meta-textual relevance; it is a commentary on the nature and role of the genre of written philosophical treatise in general the most authoritative (κυριώτατα) discourse on laws (τὰ περὶ τοὺς νόμους κείμενα) in the production of authoritative poetic praise and blame. A separate passage discussed in the next chapter asserts that the text of the *Laws* rivals the most serious genre of Athenian performance—tragedy (7.811c, 7.817a–d). Here the suggestions is that the dialogue serves as the ultimate measure of poetic license. For what is meant by τὰ τοῦ νομοθέτου γράμματα—the writings against which all prose and poetic praise and blame are tested, the code that the jurists memorize as antidotes (ἀλεξιφάρμακα) to alien speeches and recall when guiding the city straight, the writing that serves as medical treatment for those with diseased but curable beliefs (ἰάσιμοι δόξαι), the work whose natural name befits and resonates with *nous* (τοὔνομα νῷ προσῆκον)—other than the *Laws* itself, or at least those parts of it that contain the laws and preludes to laws? Praise and blame may thus be understood as poetic re-articulations and aestheticized, performative re-enactments of the philosophical dialogue.

3.4 Funerary Regained

A key element in the retrojection of Magnesia's performance culture as an aristocratic Athenian imaginary involves the revision of funerary performances. Lament (*thrênos*), as we have observed, represents the antithesis

to *hymnos* in the *Laws*' account of Athenian aristocratic culture and the development of theatrocracy. Plato in the *Republic* portrays threnody as pathologically defective, argumentatively unsound, and therefore unsuited for the citizens to perform, and ritual lament is characterized accordingly as unfit for men and even the most noble and 'serious' (σπουδαίαις, *Resp*. 3.387e11–388a1) women, it is banished alongside most mimetic poetry from the city. As Halliwell recognizes, Plato treats choral lament, the chief genre against which the *Laws*' *euphêmia* is defined, as containing within it an argument according to which death negates everything for which one is to live and that "the world . . . is not made for goodness."[40] Yet, Socrates in the *Republic* criticizes funerary performance not simply because the arguments it makes are in themselves unsound, but also because of the influence that the rhythms and harmonies exert on the soul's lower elements, its pre-rational ethical disposition and receptiveness to an education in virtue. Even women, Plato insists, should not perform the harmonic and rhythmic modes to which words of grief are set: 'threnodic harmonies' (θρηνώδεις ἁρμονίαι), a subspecies of the mixed Lydian mode, "have nothing to contribute to women who are to be noble, much less to men" (ἄχρηστοι γὰρ καὶ γυναιξὶν ἃς δεῖ ἐπιεικεῖς εἶναι, μὴ ὅτι ἀνδράσι, *Resp*. 3.398e1–4, cf. *Resp*. 3.395d–e). The focus not only on weeping but the harmonic modes associated with threnody suggests that it is once again the pathological state induced by the genre, as much as the argument contained in the lyrics, that are at the center of Socrates' criticism.

Plato's position toward funerary lament in the *Republic* is not, however, entirely unequivocal. Given that ritual lament weakens the spirits of its participants, promotes fear of death and false beliefs regarding divinity, effeminizes the performer, and generates character traits that are antithetical to the values of the ideal citizen, it is surprising that Plato in the same dialogue finds enough benefit in this problematic musical mode to incorporate it within the ideal city. Too much musical influence leads men to become 'flaccid' or 'effete' (μαλακώτεροι, *Resp*. 3.411d5), but without threnodic and other seductive forms of music, too gymnastic an education turns the student into a philosophically stunted 'hater of speech' (μισόλογος) and render him 'unmusical' (ἄμουσος, *Resp*. 3.411d7). Exposure to 'sweet, softening, and threnodic harmonies' (τὰς γλυκείας τε καὶ μαλακὰς καὶ θρηνώδεις ἁρμονίας), Socrates claims, leads the soul to become "malleable rather than resistant and hard" (χρήσιμον ἐξ ἀχρήστου καὶ σκληροῦ, 3.411a7–b1). In a paradoxical turn, then, the explicitly feminizing performance of threnodic harmonies forms a propaedeutic step in the cultivation of the philosophically enlightened. 'Feminine' threnodic modes in the *Republic*

occupy the ambivalent position of both posing a threat to the development of citizen Guardians while producing the psychological plasticity necessary for ethical formation.

Threnody in the *Laws* has no such utility. Wine takes the place of the *Republic*'s *thênôdeis harmoniai* as the guarantor of psychological plasticity and, as a later passage makes clear, the disposition encoded in choral lament is portrayed as inhibiting the cultivation of virtue. When addressing the rearing of children, the Athenian Stranger asks, "Doesn't it seem to you two that the child who is ill humored (δύσκολος) and not at all positive (ἵλεως) is more threnodic (θρηνώδης) and, for the most part, more filled with laments (ὀδυρμῶν) than a good man (τὸν ἀγαθόν) ought to be?" (7.792a8–b2). To Halliwell's claim that threnodic genres (including tragedy) encode false arguments regarding the purposelessness of life must be added another critique of lament, a critique of the passions. Colic infants and ritual mourners, 7.792a–b suggests, share an ethical disposition that inhibits their becoming virtuous persons. The factor defining the genre of choral lament as such is at least in part the encoding of an irritable (and infantile) state of the psyche and, by extension, the involvement of the performing community in the reenactment of a defective soul's internal passions.

Yet, simply because a specific genre and the pathology it encodes are ill suited to an ideal political community, one cannot therefore infer that the *scenario* of performance is equally unsuitable. Funerary performances—if not traditional funerary genres—are treated in the *Laws* as especially efficacious instruments by which to consolidate the citizenry in the re-enactment of virtuous psychological dispositions. Two approaches are taken in the *Laws* to revise funerary performances as a reflection of the ethical principles that subtend Magnesia's law code. The genres discussed in the previous section are instrumental in this revisionist project; for Plato develops a program to replace threnody with hymn and encomium as ritually appropriate utterances within funerary contexts, transplanting non-funereal genres to create the symbolic expression of philosophical virtues.

At the conclusion of a lengthy discussion of private funerals (12.958d–960b), in which Plato presents an eschatological vision of soul's migration from the body into the afterlife, the Athenian Stranger touches briefly on ritual lament:

> The laying out [of corpses] and the rest (πρόθεσις δὲ καὶ τἄλλα) shall proceed in accordance with the custom (νόμον) concerning such matters,

> but something like the following measures must be conceded to the statesman-legislator. To command that there be crying (δακρύειν) for the deceased, or that there not be, is unseemly (ἄμορφον), but the singing of dirges (θρηνεῖν) and the raising of the voice outside the house (ἔξω τῆς οἰκίας φωνὴν ἐξαγγέλλειν) are forbidden. Carrying the corpse in the open on the roads is to be prevented, as is crying aloud (φθέγγεσθαι) while it proceeds along the roads, and the procession is to be outside the city before daybreak. These are to be the legal customs (νόμιμα) in regard to such matters, and he who obeys shall avoid penalty, but he who disobeys one of the Law Wardens shall be punished by all, with a penalty that is approved by all in common. (12.959e5–960b1)

It is distasteful for a legislator to regulate crying and private expressions of sorrow, but 'the singing of dirges' (θρηνεῖν), 'the raising of the voice outside the house' (ἔξω τῆς οἰκίας φωνὴν ἐξαγγέλλειν), and 'wailing' (φθέγγεσθαι) along the funeral procession are nevertheless forbidden (12.960a1–4). To be clear, *thrênos* is not altogether banished from Magnesia; as we argue in Chapter 4, Plato situates lament within a ritual framework that renders it an alien form of discourse, and it derives utility from its non-native status. Rather, the poetic mode of commemoration for, and performed by, the citizens of Magnesia is to be free of expressions of sorrow. In its place, Plato proposes encomiastic inscription as the legal form of funerary poetics:

> [The citizens] shall not heap a sepulchral mound higher than what can be completed by the work of five men in five days; nor shall they make stone markers larger than are required to contain more than four heroic lines (τεττάρων ἡρωικῶν στίχων) of encomia on the life of the deceased (τοῦ τετελευτηκότος ἐγκώμια βίου). (12.958e6–959a1)

Plato may have been inspired by Athenian mythology, which associated funerary restrictions with the foundation of constitutions.[41] Cicero (*Leg.* 2.63), for instance, records a legend according to which Cecrops established the order of Athenian funerary rituals, and Solon is reported to have imitated the Cretan Epimenides in curtailing ritual lament.[42] One point of continuity between the *Laws* and Athenian legal restrictions on threnody is the concern in both over funeral as elite display (hence, the modest stone markers), but Plato's rationale is an outgrowth of the eschatological argument made immediately preceding this passage.[43] The soul of the dead man, the Athenian Stranger has just argued, is the real self, the body merely vestigial; one should

therefore expend resources—whether material, poetic, or monetary—on the cultivation of the best possible life, rather than ornate funerals (12.959c–d). The limitations on the size of the tomb and on the length of inscriptions form part of a larger project to create a economy in which monetary value follows philosophical value.

Crucial in this configuration are the genres pitted against each other in the *Laws*' funerary regulation: threnody and 'heroic couplets' (that is, epitaphic elegy). No matter how closely interrelated the two are in historic burial practice, especially in the archaic period, functioning as complementary genres of commemoration, Plato treats elegiac epitaph and ritual lament as radically disparate in valence and suitability within a second-best political community.[44] Elegy represents as a modest alternative to extravagant, public, embodied threnody.

Yet, it must be recalled that epitaph, too, has a performative function. Writing on archaic funerary epigram, Svenbro observes that "[f]or the text [of the inscription] to achieve complete fulfillment, the reader must lend his voice to the writing (or, in the last analysis, to the writer). At the moment of reading, the reading voice does not belong to the reader, even though he is the one using his vocal apparatus to ensure that the reading takes place."[45] If, as Svenbro insists, inscription presupposes reading aloud, elegiac epitaph and an epigrammatic commemoration involve the reader in the recreation of the speech act contained in the inscription and re-animates sentiments expressed by the poem. In archaic and classical burial dedications, the performative qualities of epigram served a sociopolitical function. As Day argues, for instance, inscription creates a permanent and perpetually reanimated reminder to the community of its relationship of indebtedness to the dedicatee: "[r]eaders reminded the god of the dedicator's former gift and prayed for the reciprocal *charis* due him."[46] Note in this respect that the only poetic utterance permissible within Magnesia's private funerary inscriptions is encomium of the life of the deceased (τοῦ τετελευτηκότος ἐγκώμια βίου). Elegiac epitaph in the *Laws* has the analogous effect of inviting the citizens of Magnesia not into a relationship of *kharis* but the ethical world of the poem, its meaning, celebratory tenor, and the sober, yet positive, psychical disposition from which it is written. Plato's reliance on epitaph thus harkens back to the use of Egyptian inscription as an antidemocratic model of performative commemoration discussed in Chapter 1. That the poem is inscribed assures the durability of its mood and significance in reperformance, channeling the emotive and discursive possibilities of funerary performance, and replacing ritual lament with a permanent celebratory poetics.

The second strategy that Plato deploys with respect to threnodic genres pertains to large, public funerals of Magnesia's highest-ranking officials, Auditors (*euthynoi*), and priests of Apollo and Helios who preside over sacred festivals, scrutinize the work of state administrators, and establish the city's religious calendar. Their funerals appear in a drawn-out passage (12.946e–947e), translated in full and discussed at length in the final section of Chapter 6, to which readers are invited to refer for extensive quotation. The description of their elaborate, public funerals, which attain an almost Homeric grandeur over two days, is summarized below, but first attention must be drawn to the language with which Plato describes the Auditors' political office:

> It is not at all easy to find a ruler over rulers who is superior in virtue (τῶν ἀρχόντων ἄρχοντα ὑπερβάλλοντα πρὸς ἀρετήν), but nevertheless an attempt must be made to find some divine Auditors. This is the way it is: in the case of a regime (πολιτείας), just as in the case of a ship or some animal, opportunities for dissolution are afforded by many things—stays, undergirdings, and the tendons of the sinews—which, being of one nature, are dispersed all around, and which we call by many names. And this [i.e., the Auditors] provides one such opportunity, for the preservation (σῴζεσθαι) or the dissolution of a regime (διαλυθεῖσαν . . . πολιτείαν). For if the ones who audit the magistrates are better than them, and evince this by applying a blameless justice in a blameless way (δίκῃ ἀμέμπτῳ τε καὶ ἀμέμπτως), the entire country and city flourish and are happy (εὐδαιμονεῖ). But if what pertains to the audits of rulers turns out otherwise, then the justice that unites all political institutions is dissolved (λυθείσης τῆς τὰ πάντα πολιτεύματα συνεχούσης εἰς ἓν δίκης), and in this way the entire state is sundered apart (πᾶσα ἀρχὴ διεσπάσθη χωρὶς ἑτέρα ἀπ' ἄλλης): rather than consenting to the same thing (εἰς τὸ αὐτὸ ἔτι νεύουσαι), they transform the one city into many (πολλὰς ἐκ μιᾶς τὴν πόλιν ποιοῦσαι), fill it with factions (στάσεων) and swiftly dissolve it (διώλεσαν). That is why the Auditors must be in every way amazing men in regard to the whole of virtue (πᾶσαν ἀρετήν). (12.945b8–e3)

"Justice," John Rawls remarks, "is the first virtue of social institutions," and, in the office of the Auditors, Plato has given justice the most prominent position in Magnesia's political institutions.[47] The language of salvation (σῴζεσθαι) with which Plato describes the Auditors' echoes the *Republic*'s account of justice as the virtue that assures the preservation (σωτηρία, *Resp.*

3.433b10, 3.433c7) of the city and of the other virtues by guaranteeing that the parts of the city and the soul engage only in their distinctive functions. While the Auditors are individually virtuous men, having attained complete virtue (πᾶσαν ἀρετήν), each serving as a ruler over other rulers (τῶν ἀρχόντων ἄρχοντα), their particular intervention within the *polis*, Plato insists, is to ensure the presence of justice (δίκῃ, δίκης). As trusses form the skeletal structure of a vessel, the Auditors undergird the ship of state, leading it to flourish (εὐδαιμονεῖ) by guaranteeing that its constituent parts are fitted and administered in a just manner. Justice is the virtue that orders and unifies the disparate parts of the state. The Auditors are, as it were, the institutionalization of the virtue of *dikaiosynê* as the rational organization of interrelated institutions and classes within the political community; and it is in their capacity as the institutionalization of justice that the Auditors preserve (σῴζεσθαι) the unity of city (συνεχούσης εἰς ἕν), avert its dissolution (λυθείσης, διώλεσαν), and maintain the fact—not merely the illusion—of consent (εἰς τὸ αὐτὸ ἔτι νεύουσαι).

As such, the Auditors receive numerous distinctions within the city's institutions of music, poetry, song, and dance, occupying the honorific 'front seats' (προεδρίαι, 12.947a1), and it is from among them that the city chooses leaders of embassies to Panhellenic sacrifices, festivals, and other sacred assemblies. They alone are decorated with laurel wreaths (12.947a), and when they die, they are to have laying-outs, funeral processions, and graves that are "distinguished from other citizens" (διαφόρους . . . τῶν ἄλλων πολιτῶν, 12.947b3–4). The Auditors' funerals, in which participants are clad in white, take place "without dirges and lamentations" (θρήνων δὲ καὶ ὀδυρμῶν χωρίς, 12.947b5). On the first day of the funeral, they are laid out on a 'ceremonial couch' (κλίνῃ)—the symbolic significance of which we discuss below—around which choruses of fifteen girls and as many men stand and sing 'a hymn fashioned as poetic praise' (οἷον ὕμνον πεποιημένον ἔπαινον) in honor of the priests, whom they 'declare blessed in song' (εὐδαιμονίζοντας ᾠδῇ, 12.947b7–947c2). On the second day, the *klinê* is carried by a hundred young men from the gymnasia in a procession led by adult citizen men, hoplites and cavalry, dressed in full military panoply. Immediately in front of the *klinê* proceed citizen boys, who sing 'the paternal song as a hymn' (τὸ πάτριον μέλος ἐφυμνεῖν, 12.947c9). Behind them walk citizen girls (*korai*) and elder women who are no longer of childbearing age; behind them still process priests and priestesses of other gods. Their grave is constructed underground: an oblong 'crypt' (ψαλίδα) of porous stones, fitted with "stone monumental couches lying next to one another" (κλίνας παρ' ἀλλήλας λιθίνας κειμένας, 12.947d7–e1). Their tomb, a *tholos*-style monumental mound, is the site of annual choral, gymnastic, and equestrian competitions.

The image of elder, aristocratic men reclining and recumbent on ritually appropriate symposiastic furniture (κλίνας) in an afterlife of sympotic-style feasting is especially loaded. It is not uncommon for Plato to recode the symbols of elite associations within the terms of his own philosophy—doing so is programmatic of Magnesia as a second-best city; but it is striking that Plato projects elements of the symposium within a larger, collective ritual in which the entire city participates, thereby embedding the signs of elite sympotic culture within a demotic funerary occasion. Once again, the image of the symposium figures at the center of Magnesia's performance culture.

Some commentators have drawn connections between the description of the procession and private Athenian funerary customs, but Plato's model for the procession and burial of the Auditors appears decidedly un-Athenian, replicating hero cult and Homeric burial practices in a combination that fuses Panhellenic traditions.[48] Alexiou draws attention to a dichotomy in the manner in which Athens and Sparta respectively regulated funerary spectacle, and her observations are relevant in this context as well. Whereas Athens imposed general restrictions on displays of wealth in processions and burial, "in Sparta, as nowhere else in Greece, full pomp and ceremony were maintained for the funeral of kings, so that restriction was selective, not general."[49] The Spartan practice accounts in part for the dichotomy between the plain style of Magnesia's common funerals and the extravagance of the Auditors'. If Sparta is one subtext within Plato' ideal funerary ritual, the Auditors' *tholos* tombs also point to familiarity with Macedonian, Syracusan, and as Baughan has recently suggested, Anatolian burial practices.[50] If Baughan's conjecture is right, the implications are far-reaching, since it would mean that "[w]hen Plato prescribed burial on stone *klinai* for the [Auditors] of the ideal state, he drew upon a tradition that had by his time become emblematic of elite status in Achaemenid Anatolia, one that would have carried a particularly foreign connotation in fourth-century Greece."[51] That the Auditors' burial serves as a site for annual musical competitions makes such foreign connotations a permanent feature of the second-best city's religious and festival calendar.

With this in mind, let us look more closely at the genres involved in the funerary ritual: on the first day, beatific song (εὐδαιμονίζοντας ᾠδῇ) and antiphonal hymnic praise (οἷον ὕμνον πεποιημένον ἔπαινον), sung by a chorus of girls and another of adult males; on the second, processional performance, again involving celebrations and hymnic eulogy (τὸ πάτριον μέλος ἐφυμνεῖν), led by the city's military and attended by representatives of the entire citizen community. The term τὸ πάτριον μέλος appears nowhere else in archaic and classical literature, but (admittedly distant) comparanda may be adduced

to provide a general sense of the tenor and the type of song envisioned for Magnesia's national anthem:

(i) Plato might have had in mind such celebratory, patriotic songs as the *skolion* for Harmodius, in which the singer claims, "I shall carry my sword in a spray of myrtle, like Harmodius and Aristogeiton when they killed the tyrant and made Athens a city of equal rights (ἰσονόμους)."[52] The convivial context of performance differs substantially from civic funeral, but the function is analogous in that, like the *patrion melos*, the *skolion*, as Burnyeat notes, "is at once a celebration and confirmation, each time it is sung, of a foundational civic tradition."[53]

(ii) Another possibility is that Plato seeks to replace ritual laments for cities, a genre of song that traditionally takes the city as its theme, with hymn.[54] If so, Plato would eliminate laments for the *polis* on what might be an intuitive occasion to grieve on the city's behalf, the passing of its political leaders.

(iii) A direct (but albeit late) parallel is found in the *aition* of dithyramb and tragedy in Nonnos's *Dionysiaca* 19.1–117. To console Methe (!) for the loss of her husband and to quell the lamentation, Dionysos holds a musical competition at his tomb. Among the contestants, Erechtheus, the legendary Athenian king, 'sings the paternal hymn' (μέλπων πάτριον ὕμνον, 82) of his native city. His competitor, the Thracian Oiagros (Orpheus's father) sings a distich in 'Amyclaian fashion' (Ἀμυκλαίῳ τινὶ θεσμῷ, 103), that is, with Spartan brevity, claiming that Dionysos will revive the deceased. Oiagros wins the contest, receives a bull, the traditional award in dithyramb contests, as his prize, whereupon the assembly erupts in Bacchic celebration and funeral lament is transformed into choral dance. The dejected loser Erechtheus departs with the second prize, a bearded goat, thereby offering an etymology for tragedy, the 'goat song' that is Athens's most distinctive poetic genre. The implication is that the performance of dithyramb and tragedy re-enact the contest between Oiagros and Erechtheus, together subsumed in Nonnos's (anti-tragic and anti-Amyclaian) Dionysiac poetics. For our purposes, it is significant that the tenor of the *patrion melos* is associated with the mythical foundations of cities and their distinctive genres, and figures as a celebratory alternative to ritual lament.

(iv) Another late parallel, now to Judaic performance traditions, also stresses the antithesis between *patrion melos* and ritual lament. In 3 Maccabees 6.32–36, Alexandrian Jews persecuted by Ptolemy IV

Philopator and slated to be executed are rescued by angels, whereupon they cease lamenting, sing a *patrion melos*, and later commemorate the deliverance with annual rites and celebrations—not unlike the Auditors' postmortem commemorative competitions.

(v) Athenaeus (11.97.38–45) describes the sound of the Nile as a *patrion melos* associated with peace and conviviality, pointing up another contrast between paternal song and songs of war.

Common motifs recurring in the *Laws* and these comparanda are that *patrion melos* and its analogues represent a mode of national song that is collective as opposed to individualistic, celebratory rather than threnodic, and commemorative, recording the foundational moments of a community through its distinctive genres. The result is a funerary custom in which antiphonal choral genres and celebratory patriotic hymn replace threnody, a spectacle that (like the *Laws*) is at once Athenian and Spartan, Panhellenic and expansively Mediterranean, contemporary and archaizing, the significance of which is proportional to the centrality of the Auditors' political and governmental function.

This raises the question of why Plato recurs to archaic, non-Athenian, and non-Greek models of funerary performance in which choral and hymnic genres serve as the media of commemoration. The answer is in part that the forms of performative utterance available in the second-best city offer a systematic rejection of democratic models of discourse, and that those Athenian institutions (e.g., symposium) that are brought into Magnesia often retain elite and antidemocratic symbolic associations. Notable for its absence from the funeral of the Auditors is the *epitaphios logos*, a genre that in Athens was already understood as an alternative to threnody, having displaced it in publicly financed burial.[55] It is one thing to build an ideal city from symposia and other staples of elite culture; it is something else entirely to do so by retaining and exploiting the discursive possibilities of genres designed to eulogize democracy's fallen heroes. But in another respect, the funeral of the Auditors reflects Plato's awareness of the power of choral performance to normalize relations of authority and subordination. Archaic choral rituals, as Kowalzig argues, foster an "illusion of consensus" whereby the participants are presumed to endorse the sociopolitical structures and values on display in the ceremonial,[56] and, as Burkert suggests, the *Laws* presents an intensification of *polis* religion, one in which, "[r]eligion . . . shapes the community of the *polis*, pointing out and verbalizing its functions through its gods. . . . The essential divisions and functions of society in family and public life, in administration, commerce, and

the courts are granted their status and thus their permanence by religion."[57] Religion in the *Laws* is ancillary to the law code, affirming the city's social divisions and its principles of political hierarchy.[58] The funeral of the Auditors may thus be read as a representation and confirmation in religious terms of the city's political hierarchies, a text in which social and political order has been re-inscribed in choral performance and in which ritual provides a divine charter for the city's structures and the underlying philosophical principles upon which that structure is grounded.

In the previous chapter, we observed that Plato redesigns the theater as a performance of philosophy, a collective ritual in which virtues are enacted in the speech and psychological state of the critic, as well as in the social relationships among performers, judges, and poets. My (tentative) suggestion is that the funeral of the Auditors may be interpreted in an analogous manner. Note that the generic forms Plato endorses in the funeral are overdetermined and also connected with specific virtues. Chapter 6 discusses in more detail the performances by women in the *Laws*, but here we observe that Plato represents male and female music as naturally distinct and complementary, the former inclined to the articulation of the virtues of courage (*andreia*) and magnificence (*to megaloprepes*), the latter of orderliness (*to kosmion*) and modesty (*to sôphron*), closely associated with temperance (*sôphrosynê*) (7.802d–e). Recall, moreover, that the Auditors promote civic unity by ensuring that the *polis* is not dissolved into many cities, and that while each excels in complete virtue (πᾶσαν ἀρετήν), their office is represented as the institutionalization of justice. Their funeral instantiates in spatial terms their civic function and symbolic associations. The male and female choral performers, each of whom sings one aspect of virtue, accompanied by cavalry, infantry, boys, girls, women, and religious officials—in short, nearly the entire population—all of whom are organized centripetally around the Auditors, form a mimetic re-enactment of civic unity, an 'illusion of consensus' in which the city is held together by justice. Such a reading must remain tentative, but if it points in the right direction, we may conclude that Plato has replaced threnodic genres, which he portrays as codifying vicious claims regarding the value with a symbolic representation of virtue that involves the civic community in its entirety in the celebration of the life of the deceased and in which contexts of performance mirror the unifying role of justice in the state; and, crucially, the coordination of genres is the key to the recoding of the funerary context.

Why, then, does Plato select funeral—an occasion associated with threnody and therefore least amenable to Magnesia's ethical beliefs—as the scenario

within which to stage a celebration of virtue? The prohibition against ritual lament in the *Laws* may echo the Athenian custom of suppressing funerary spectacle, but Plato's aim in this particular context is not to eliminate lavish public displays. On the contrary, the Auditors' funerals differ (διαφόρους) from those of the private citizens precisely by emphasizing pageantry and deriving their salience from that differentiation. The Auditors' funerals appear, rather, to address a concern—often mentioned in contemporary scholarship on poetry in Plato—that hymns and encomia as imagined in a philosophically informed city must be artistically impoverished and aesthetically dissatisfying. The funerals of the Auditors are the centerpieces of Magnesia's performance culture, festivals that project the virtues of justice as the organization of institutions and classes, bravery as the natural quality of masculine song, and moderation as the naturally feminine rhythmic and harmonious mode. The synchronizing of hymnic genres—antiphonal, choral praise and processional, patriotic *melos*—make that projection possible. Plato thus shows that it is not only the irrational soul and its disorderly passions that create artistic forms of poetic commemoration and festival occasions worthy of domestic cult and international pilgrimage. Philosophy, too, has the resources to fashion dynamic and—importantly for Plato—celebratory funerary rituals, in which choral performance involves the community in a collective affirmation of a philosophical conception of virtue and the orderly city.

3.5 Conclusions

We began this chapter with Todorov's claim that the system of genres that a society chooses and codifies corresponds to its ideology, that the existence of certain genres in one society—and their absence in another—reveals its values and beliefs. We also observed that there are laws of genre in Magnesia, rules that all performances must obey in Plato's ideal city, and that hymns and encomia appear to be the most obedient performances, conforming to the structures, values, and the institutional and sentimental bonds of the second-best city. In the same essay in which he declares that the nominal 'law of genre' is that generic classes must not be intermingled, Derrida observes that the pragmatic rule that authors follow is that texts signal affiliation within a genre or group of genres:

> The trait common to these classes of classes is precisely the identifiable recurrence of a common trait by which one recognizes, or should

> recognize, a membership in a class. There should be a trait upon which one could rely in order to decide that a given textual event, a given 'work,' corresponds to a given class (genre, type, mode, form, etc.). And there should be a code enabling one to decide questions of class-membership on the basis of this trait.[59]

If the *pragmatic* law of genre requires the reader or audience to decode the text according to the traits by which it signals generic membership, what we have not discovered is a single *formal* principle that characterizes all of Magnesia's songs and poetry and by which those genres are to be interpreted. Hymns and encomia permit flexibility of form, meter, subject, discourses, and lexica, and such flexibility is precisely what allows their adaptation to the city's numerous performance scenarios, a characteristic that makes hymns and encomia, when property regulated, the ideal instrument by which to appropriate a diverse range of ritual events. If there is, however, a single, unifying trait in the *Laws*' system of genres—in its hymns, encomia, ritually appropriate utterances, praise, blame, and funerary performances—that enables the audience, reader, or performer to decide questions of class membership, it is the constant reference to the Platonic dialogue, to the text of the *Laws* itself as the final poetic authority in light of which genres are to be deciphered and composed. Shapeless forms awaiting the lawmaker's *grammata*, such genres and discourses are thereby made identifiable with the law and subordinated to the law code, as the media by which the *Laws* is translated into poetic performance. The next chapter treats forms that are less malleable, less amenable to translation as poetic renderings of the *Laws*, and more transgressive—forms that require careful ritual framing to interpret the performance as it is produced.

4

Unideal Genres and the Ideal City

COMEDY, THRENODY, TRAGEDY, AND THE LIMITS OF THE CITY DANCING

4.1 Introduction

Popper claimed that in fashioning an ideal society Plato "compromised his integrity with every step. He was forced to combat free thought, and the pursuit of truth. He was led to defend lying, political miracles, tabooistic superstition, the suppression of truth, and ultimately brutal violence. In spite of Socrates' warning against misanthropy and misology, he was led to distrust man and to fear argument."[1] Scholars today attribute to Plato a more sophisticated (though not unproblematic) approach to the place of argument, freedom of thought, and persuasion in politics, but it is nevertheless undeniable that Plato appears as concerned to police the intellectual boundaries of the second-best city as he is to rear citizen-soldiers to guard its geopolitical borders.[2] Freedom of speech is curtailed in Magnesia, and the few permitted to travel abroad are vetted before being readmitted into the community. The movements and activities of foreigners are restricted and subject to constant surveillance; atheists—the most alien of thinkers—risk internment and compulsory re-indoctrination, and, if they should prove irremediable, they are to be jailed in the countryside, tended to only by slaves, never again to speak with their families, kinsmen, and fellow citizens, their unburied bodies cast in the barren hinterland beyond the city's borders in a permanent, posthumous expatriation.[3]

How does Plato's antipathy to alien ideas translate into his treatment of music? Because Magnesia's musical culture is integrated into its political institutions, it might appear reasonable to expect the former to replicate the latter's hostility to external values. It has been claimed that Plato's second-best city follows the *Republic* in banishing all but a limited range of ethically sound

and (some say) artistically anemic 'hymns to the gods and encomia of good men.'[4] Magnesia's songs and dances, we suggested in the last chapter, must reaffirm the values of its law code.[5] Detienne has argued that *mousikê* in the *Laws* is designed "to instill [the] hallowed voice [of the lawgiver] in the minds of all; slaves, freemen, children, the whole city," and others have suggested that Magnesia's law code is to be set to music and performed by choruses.[6] We have observed that hymns and encomia serve as the *Laws*' principal genres. Must we also conclude that all of Magnesia's songs merely reiterate the city's foundational ethical doctrines in poeticized form, while genres that do not conform are to be purged from the city?

In addressing such questions, we must begin from the recognition that Magnesia's political institutions are designed to be more adaptive, more capable of integrating imperfect cultural practices than the *Republic*'s, and that such capaciousness is necessitated by the work's central project of fashioning a semi-ideal, second-best city from extant political institutions. The same holds for its musical institutions, a system of song and dance composed of well-orchestrated generic hybridity. While this may appear to fly in the face of Plato's insistence on generic purity, we observed in the previous chapter that even with respect to hymns and encomia, Plato's practice often belies his rhetoric.

But can the same be said of the genres that are overtly hostile to any society's dominant values, genres such as comedy, threnody, invective, and tragedy, that are inherently, even programmatically subversive?[7] Because literary genres are also forms of thought, addressing this question entails, on one level, focusing on the system of genres and poetic forms envisioned for the ideal city of Magnesia. On another level, however, we must also consider the development the genre of philosophical dialogue as a literary form that evolved alongside and vied for primacy among generic competitors; for in its encounter with these genres, the *Laws* as a work of art confronts its literary rivals, each with systems of values opposed to its moral and political philosophy. At times, of course, the encounter results in the expulsion of potentially dangerous discourses; as we discuss in the Introduction, Plato's ancient quarrel between poetry and philosophy informs the *Laws* as well. More fundamentally, however, the *Laws*' treatment of 'unideal' and subversive genres offers an exploration of citizenship and its boundaries—that is, of what it means to belong or to be excluded from membership within the *polis*—as they are manifested in the city's institutions of performance. Genres are not only forms of thought and statements of value; for Plato, they are also psychological states and models of social organization, each, as we observed in Chapter 2, associated with specific political constitutions. In each instance in which Plato discusses subversive

genres, he is also commenting on and crafting the psychological, social, and political dimensions of poetic forms with and against which Magnesia's literary canon is composed.

Plato's ideal society, like his unideal Athens, contains within it a variety of political statuses and subject positions: enfranchised citizens ordered by age, wealth, and sociopolitical authority; citizen children preparing for their adult responsibilities; slaves, resident and non-resident alien subclasses; and citizen women, also ranked by age, whose gender and circumscribed privileges establish a semi-enfranchised citizen population.[8] Each status is reflected in the city's performance culture; and while hymns and encomia are the genres most closely affiliated with the lawmaker's *grammata*, subversive genres will be shown to derive their utility precisely by demarcating the boundaries of the citizen and non-citizen communities. To be sure, each genre is made to guide the citizens of Magnesia toward virtue, but Plato does not propose a model of performance in which all songs and dances slavishly rebroadcast the law code's values and dictates; nor would he censor or rewrite every poem as an iteration of the text of the *Laws*. Surprisingly, the genres that conflict most starkly with the lawmaker's designs play an indispensable role in constituting the citizen community, and it is precisely their nonconformity to the law code that renders them most useful.

4.2 Comedy, Threnody, and the Performance of Alterity

Let us, then, consider the very first mention of comedy in the *Laws*, introduced as symptomatic of a society turned against itself: 2.658c–e, in a passage discussed in Chapter 2, in which Plato envisions a festival with competitors from each major Athenian genre, in which victory is determined by pleasure alone. If children were to judge, they would declare the puppet master the victor; if elder children, those who display comedies; tragedy would be favored by educated women, the youth, and the majority of the citizenry; and elders would crown the rhapsode who performs Homer or Hesiod as the victor. The hypothetical competition between genres may, as we observed in Chapter 2, trivialize Athenian theater culture and theatergoers, but it sets the stage for a serious discussion of the interrelation of aesthetic judgment and moral sentiments. Pleasure and pain are not simply matters of personal preference; they are at the core of human motivation and moral judgment.[9] Plato's concern is that contemporary attitudes toward pleasure are too diverse to provide a unified framework with which to regulate a city's

musical culture. Moreover, because, as Plato argues elsewhere, the correct orientation of pleasure and pain, when complemented by reason, is a precondition for virtue, aesthetic disunity is symptomatic of ethical disunity (2.653b–c). Lack of consensus regarding aesthetic pleasure is indicative of fundamental disagreements in the citizen community over the preferences and habits that subconsciously direct moral reasoning. The problem, then, to which the hypothetical musical competition points, is that in the interlocutors' cities (and especially Athens) infantilized and misguided attitudes toward pleasure, and by extension toward moral judgment, predominate and are perpetuated by the variety and disharmoniousness of contemporary genres.

The *agôn* of Book II should also be read in light of claims made elsewhere in the *Laws* regarding the influence of diversity in musical forms on a city's constitution. One relevant passage, discussed in Chapter 1, criticizes legislators who neglect children's 'games' (*paidia*) on the grounds that citizenship springs from the psychology of aesthetic pleasure and pain; should the members of a society develop diverse tastes in music and other types of 'play,' they risk becoming fundamentally different kinds of persons who revolt against the customs of their forebears and invent novel paradigms of life and political institutions to correspond to their newfangled aesthetic preferences (7.798b6–d1). There is, then, a recurring concern in the *Laws* regarding the connection between a city's musical forms and its constitution, and especially the influence of the former on the latter.[10] The intergeneric contest provides, *inter alia*, a vivid illustration of a *polis* riven from within, a city that, beset by generic diversity, encourages variegated and perverse paradigms of aesthetic pleasure and moral sentiments. It represents one defective model of musical culture that the *Laws*' institutions of *mousikê* are designed to correct, and it pinpoints a singular weakness in Athenian musical customs: the impossibility of determining aesthetic superiority on the basis of a population's diverse tastes. But insofar as a society's genres, popular ethics, and constitutional history are in essence interconnected as discrete expressions of its citizens' training in pleasure and pain, the contest also portrays a city turned against itself, one in which diversity in musical taste invites political instability. This larger claim about the relationship between music and politics is among the primary reasons that Plato concludes his discussion of the contest by insisting that poetry be judged according to the pleasure of 'the one man who excels in virtue and education' and that the citizens must enchant themselves with songs and incantations that bring their tastes and dispositions toward pleasure into 'harmony' (*symphônia*) with those of their moral superiors (2.658a1, e1–4). By

doing so, Plato ensures that the city's musical culture will not fall out of sync with or threaten to subvert its political and ethical principles.

Against the backdrop of societies that allow aesthetic disharmony and political instability, the *Laws* develops a number of strategies to 'harmonize' the ideal city's system of genres. Again, these strategies are not limited to the purging of potentially problematic poetic traditions. Instead, the ideal city's musical institutions appropriate and convert deviant forms into occasions for the enactment of citizenship. The first such strategy, the subject of this section, is the manipulation of the relationship between performer and spectator. Roles in performance that construct participants as adherents of the values shared by the political community are reserved exclusively for citizens; those that define the participants as devotees of beliefs that deviate from the city's ethics are imposed upon non-citizens and slaves. The compromised role that Plato reserves for non-citizens is that of the performer, whereas the citizen's role is spectatorial, spatially demarcated in opposition to the non-citizens' performance. The second such strategy—allotting the privilege to compose according to the principles that determine political authority—is discussed in the next section.

Plato's attention to the status relationships between performer and spectator first appears in a lengthy treatment of choral lament as part of a larger section on 'laws of *mousikê*' that to apply to all performances. The discussion begins with an example of music gone awry, a situation in which musical conventions conflict with the city's religious and ethical conventions:

> ATH. Suppose a sacrifice is taking place and the sacred meats are being burned as custom dictates (κατὰ νόμον), and let us say someone in a private capacity (ἰδίᾳ), a son or a brother (ὑὸς ἢ καὶ ἀδελφός), while standing near the altars and sacred things, breaks out in total blasphemy (βλασφημοῖ πᾶσαν βλασφημίαν). Would we not assert that his utterance would fill his father and his other kinsmen (πατρὶ καὶ τοῖς ἄλλοις ἂν οἰκείοις) with despondency (ἀθυμίαν), and a sense of bad omen and prophetic warning of evil?
>
> KL. How could it not?
>
> ATH. Well, in our part of the world this happens in almost every city (ταῖς πόλεσι . . . πάσαις), so to speak. For whenever some official (ἀρχή τις) carries out some sacrifice in public (*or* at public expense, δημοσίᾳ), a chorus comes along afterwards—in fact not just one, but a mass of choruses—and standing not far from the altars, indeed sometimes right beside the altars, pours total blasphemy (πᾶσαν βλασφημίαν) on the sacred things! They use words, rhythms, and very mournful harmonies (ῥήμασί τε καὶ ῥυθμοῖς καὶ

> γοωδεστάταις ἁρμονίαις) to get the souls of the hearers all worked up, and whoever can straightaway make the city (πόλιν) that is engaged in sacrificing weep the most is the fellow who wins the victory prize! Will we not vote down this 'law' (τοῦτον δὴ τὸν νόμον ἆρ' οὐκ ἀποψηφιζόμεθα)? If it is sometimes necessary for the citizens (πολίτας) to be the audience (ἐπηκόους) of such wailings (οἴκτων), on certain impure and ill-omened days (ἡμέραι μὴ καθαραί τινες ἀλλὰ ἀποφράδες), then there should rather be certain choruses of singers who come, hired from abroad (χορούς τινας ἔξωθεν μεμισθωμένους ᾠδούς), of the sort that are paid (μισθούμενοι) to walk before funeral processions, inspired by some Carian Muse (Καρικῇ τινι μούσῃ). Presumably such would be the fitting occasion for songs of that kind (τὰς τοιαύτας ᾠδάς). And presumably it would not be fitting for the garb that goes with the funeral songs (ἐπικηδείοις ᾠδαῖς) to be crowns or golden ornaments, but entirely the opposite—so as to leave off discussing these matters as quickly as possible. (7.800b8–e7)

There is much in this model of sacrifice and choral lament against which to define the ideal city's civic performances—worrisome lyrics, psychological states, and ethical dispositions, compelling rhythms, harmonic witchcraft, indulgence of the basest passions, and, worst of all, the city's enthusiastic response. However, we draw attention to the description of the context, as opposed to the content, of performance—that is, to what occurs around the altar, which Plato finds as flawed as the blasphemy the choruses sing. It is in the treatment of the context that we may discern intimations of how Plato proposes to transform even deviant genres into a training in citizenship.

Although presented as a single example of the vices of Athenian performance culture, the passage in fact develops a contrast between a private ritual and a public sacrifice accompanied by choral competitions. Both sacrifices are marred by analogous forms of ritually inappropriate discourse, and both are in some sense expressions of *nomos* (custom/law), but Plato differentiates their scope and social implications. Blasphemy in the first occurs within the *oikos*; the occasion is explicitly marked as private (ἰδίᾳ), and the performer and those offended are the family and nearest of kin (ὑὸς ἢ καὶ ἀδελφός, πατρὶ καὶ τοῖς ἄλλοις ἂν οἰκείοις). In the second, the description of the choruses' performances is laden with overtly political symbolism. As suggested by the victory prizes, the occasion is public and agonistic; and that the competition trades in the arousal of tears recalls Ion's tear-jerking performance at the Panhellenic festival of Asclepius at Epidaurus and the Panathenaia (*Ion* 530a–b). Significantly in this respect, the choruses are represented as sufficiently trained to invite

comparison to professional Carian mourners, who, like Ion, are salaried, alien, and itinerant. *Nomos*, which Pangle rightly translates as 'culture' in the first, private sacrificial ritual, is employed in the second with its full legislative denotation; the interlocutors are said to 'vote' (ἀποψηφιζόμεθα) on the proposal to banish such performances. Plato twice gestures to the *polis* as the context (πόλεσι, πόλιν), suggesting that the sacrifice stands in a significant, symbolically coordinated relation to the city. It is a portrayal of '*polis* religion,' an occasion upon which "the religious body carrying the religious authority and the social body, acting through its political institutions, deployed cult in order to articulate itself in what was perceived to be the natural way."[11] The point is made all the more forcefully by the presence of political officials (ἀρχή), the language of ballots, an audience unambiguously identified in their political capacity as citizens (πολίτας), and the festival's organization in public or, equally possible, at public expense (δημοσίᾳ). Comparison should be made to the usage in Thucydides' (2.34.1) discussion of the Athenian burials of those who died at war with a funeral also 'at public expense' (δημοσίᾳ). The contexts in the *Laws* and Thucydides are sufficiently akin, particularly in respect to the anxiety over the political dimensions of funerary performance and the restriction on women's ritual lament, to suggest that *dêmosiai* bears a similar semantic range in both. The overtly politicized setting of the choral festival in the *Laws* should thus alert us that the purpose of this example is not merely to criticize blasphemous poetic lyrics and music but also to address its wider political context. Whereas the private sacrifice in the first part of the example affirms, to borrow a phrase from Nagy's study of *iambos*, the "institutional and sentimental bonds" of the *oikos*, the bonds fostered through public funerary commemoration are those of the citizen community.[12] In Plato's critique, choral lament offers a window into the life of the *polis* as it articulates itself through its religious institutions, a window into the souls of society whose citizens delight in blasphemy.

One might therefore expect the genre of *threnos* to be banished from the ideal city, but Plato's solution is not the complete elimination of lament. In the previous chapter, we observed that the traditional *occasion* for poetic ritual lament is retained in Magnesia by virtue of its being recoded with encomiastic and hymnic genres. In 7.800b–e, Plato's strategy is to admit the *genre* of threnody itself by redefining the *ritual frame* in which it occurs, quarantining the genre within a context that stigmatizes it and its performers as politically (and therefore ethically) alien. If dirges must take place, citizens are to remain in the audience while non-native choruses are hired from abroad to participate in the actual lament. The emphasis on professionalism and remuneration for services rendered intensifies the sense of alienation from the citizen

community; trucking, bartering, and trading in Magnesia are the occupations of metics; citizens are forbidden from performing wage labor that would brand them as illiberal *banausoi* (11.918a–920c). That lament will not form part of the regular festival calendar, but will occur only on ritually impure days specifically designated as the inversion of the city's normal religious order, similarly calls attention to the genre's alien status. Even the style of dress is made to signify separation; for while Plato insists that the lamenters not wear wreaths or gold-encrusted jewelry, celebrants at funerals for Magnesia's Auditors, as we discussed in the last chapter, dress in visually lavish, festival fashion (12.946e–947e, 12.958e–960a). A politics of spectatorship is thereby introduced into the context of performance between foreign, professional, and politically disenfranchised performers, on the one hand, and the citizen audience, on the other. It is this division, which depends entirely on political and economic distinction, that is translated into ethical distinction—since performances by political aliens are of necessity morally suspect—and transforms choral lament into a useful technology of statecraft. Of course, how regularly sorrowful dirges are to take place in Magnesia in the first place is uncertain, but the argument of the passage here does not preclude the possibility. At 8.828a–d the Athenian Stranger suggests that the religious calendar of the city remains to be determined by future lawmakers and must include days devoted to chthonian deities, whom, Plato assumes, citizen soldiers will tend not to honor and whose worship must be kept separate from that of celestial gods. There is thus at least some possibility of threnodic performances in Magnesia. Of importance in the current analysis, however, is not merely which genres are to be performed in the ideal city or with what frequence, but rather the strategies and spectatorial politics that Plato develops in the *Laws* to render threnody instrumental to the success of the *polis*; as we observe below, the same strategies apply to a number of genres typically thought incompatible with Plato's ethics and political philosophy.

Threnodic choral lament provides a first glimpse of an approach to performance that is central to the *Laws*' treatment of ethically deviant genres, an approach most fully articulated in the second discussion of comedy, in which the genre is given an essential role in the city's educational system and festival calendar:

> The subject of beautiful bodies and noble souls in choral performance (τῶν καλῶν σωμάτων καὶ γενναίων ψυχῶν εἰς τὰς χορείας)—in particular, which sort it was said they must be—has come to a conclusion; but it is necessary to gaze upon and understand (θεάσασθαι καὶ γνωρίζειν)

> the matters that pertain to shameful bodies and thoughts (τὰ δὲ τῶν αἰσχρῶν σωμάτων καὶ διανοημάτων), as well as those who turn themselves to laughter-provoking comedic performances (τὰ τοῦ γέλωτος κωμῳδήματα)—through speech and song, dance, and the comic imitations (μιμήματα κεκωμῳδημένα) all these contain. For someone who is going to become prudent (φρόνιμος) cannot learn the serious (τὰ σπουδαῖα) without learning the laughable (γελοίων), or, for that matter, anything without its opposite. Yet, one cannot create in both ways (ποιεῖν . . . ἀμφότερα) if one is to take part of even a small portion of virtue (σμικρὸν ἀρετῆς), and indeed one should learn (μανθάνειν) about the ridiculous things just for this reason—so that he may never do or say, through ignorance (ἄγνοιαν), anything that is ridiculous (γελοῖα), if he does not have to. The imitation of such things should be assigned to slaves and aliens who work for hire (δούλοις δὲ τὰ τοιαῦτα καὶ ξένοις ἐμμίσθοις προστάττειν μιμεῖσθαι). There should never be any seriousness whatsoever about these things, nor should any free person (ἐλευθέρων), woman or man, be observed learning (μανθάνοντα) these things; in fact, these imitations should always manifest something novel (καινὸν δὲ ἀεί τι). Let the play that provokes laughter (γέλωτά . . . παίγνια), the play we all call comedy (κωμῳδίαν), be thus ordained in law and in argument (τῷ νόμῳ καὶ λόγῳ). (7.816d3–817a1)

The approach to threnodic lament sketched above reappears in this context as well; aliens and disenfranchised slaves are required to bear the stigma of performance and, in this respect, the effects of comedy are analogous to those of ritual lament. However, instead of merely shielding the citizen community from foreign values by shouldering the burden of performance, in comedic genres the non-citizens are on display; they have become the object of a political and moral pageantry, which gains its value precisely by being alien. Citizens learn the principles they are expected to uphold through spectacles of otherness, mimed failings of actors drawn from abroad and from the political margins. The effect is to normalize relationships of political power by projecting values that transgress the city's ethics onto (performances by) those who occupy its periphery. By conflating ethical and artistic deviance with political marginality, the *Laws* superimposes an interpretation on comedy that reinforces the social hierarchies, moral priorities, and sentimental bonds of the citizen community. Unlike choral lament, which is a departure from the city's normal religious calendar, comedy in Magnesia is essential and customary; without it, Plato claims, the citizens will remain ignorant,

and unable to conduct moral deliberation. As theatrical paradigms of moral abnormality, non-citizens, slaves, and the ethically alien genres they perform are as indispensable to the flourishing of the second-best city as their labor is to its economic prosperity.[13]

Status distinctions between Magnesia's citizen spectators and non-citizen performers are made all the more pronounced by comparison to the parallelism, noted in the Introduction, between Athenian theater and Athenian judicial and deliberative institutions. If, as commentators have often posited, the material space, social relationships, and ritualized activities of the theater replicated and implicitly confirmed the legitimacy of the political system of participatory democracy, Plato's 'othering' of comedic performers casts not only the genre, but also its city of origin—Athens and, by extension, democracy—as ethically and politically alien. It must be recalled that in Athenian comedic performances not only were the presumptive performers drawn from the citizen community and therefore both members and representatives of it; but also the genre of comedy admits by way of the *parabasis* a suspension of the dramatic illusion, a conventionalized moment in which the chorus leader assumes the voice of the poet and is authorized to address the citizen community on often politically sensitive civic affairs.[14] The license (*parrhêsia*) granted in the *parabasis* has roots in archaic poetic traditions in which the poet figures as a moralist, instructing his fellow citizens in wisdom, justice, and courage; and, as Dover observes, "[w]ith such a tradition behind him, the comic poet was in a privileged position when he used the *parabasis* as a medium for offering advice and admonition to the audience."[15] Moreover, it is notable that early tragedians performed in their own plays and that choruses in Athens were by convention non-professional, allowing a fluidity between poets, performers, and the spectating community.[16] In the *Laws*, by contrast, Plato has undermined the moral authority of the comic poet, comic poetry, and Athenian democracy by portraying each as suitable for the foreign, professional, and illiberal. We have entered, then, a theatrical space in which the performance of citizenship entails the denial of being a performer; the citizen-defining performative act is a theoretical spectatorship, at once ethicized and politicized, and defined against the egalitarian, discursively open Athenian performance culture, a sharply delineated theater in which political boundaries converge with the space between the spectator and the performer.

Alienation remains fundamental to the experience of Magnesian comedy. Most commentators interpret the 'novelty' of comedic representation as having an estranging effect akin to the shame felt by the Guardians in the *Republic*

when encountering debased poetry (on which, more below).[17] An earlier passage provides the argument for insisting that comedy incorporate an element of the novel. Through an analogy with dietary regimens, the Athenian Stranger insists that musical tastes and moral habits are in principle malleable, but, once set, they harden and become inflexible; and, he claims, the lawgiver must take advantage of such momentary psychological plasticity to ensure that the city's laws and institutions remain unchanged from one generation to the next (7.797d–798b). Against a backdrop of an unaltered poetic traditions carved into temple walls and etched through repetition into the citizens' souls, comedic genres, marked by disconcerting irregularity, are to remain forever an alienated and alienating spectacle. Novelty in verse will prevent the citizens from developing a sense of pleasure in degenerate genres.

It is important to read this passage against a discussion in the *Republic* in which Socrates forbids youth from mimicking base character types (*Resp.* 3.395b–396e).[18] Since poetic imitations impress patterns of action and belief on the soul and since Guardians must be practitioners of a single craft, they must represent the one paradigm that most befits them: 'brave, sober, pious, free men, and all such things' (*Resp*. 3.395c4–6). They must never imitate women or 'male or female slaves doing that which is servile' (*Resp.* 3.395e4), since the ill-fitted gender, servility of the characters, and the multiplicity of personae render them unsuitable models for citizen men. When the young guardian encounters poetry that represents someone unworthy of himself, he will feel ashamed, 'because he is untrained to imitate such persons and is unable to endure molding and placing himself into the models of baser things or men' (*Resp*. 3.396d8–10). In this respect, then, there is continuity between the two dialogues; the precept in the *Laws* against citizens' learning or performing comedies applies the *Republic*'s general prohibition against imitating base characters. Yet, discontinuities are just as telling. The discussion in the *Republic* pertains to the education of the youth, whereas the *Laws* addresses the moral formation of the adult citizen. In the *Republic*, furthermore, exposure to degenerate representations is unnecessary, while it is essential to the moral education of Magnesia's citizens. As importantly, the nature of the citizen's exposure to base poetic representations differs in each dialogue. In the *Republic*, Plato forbids the youth from imitating ignoble characters, and the prohibition against mimetic poetry ensures that the citizens of Kallipolis would have very little or no contact with ethical deviance in poetic form. The citizens of Magnesia likewise are never given the opportunity to take on the personae or to feel moral revulsion directed toward themselves as they assume alien identities. Whereas ethical knowledge in the *Republic* develops from

internal, self-reflexive awareness of the inappropriateness of certain character types, in the *Laws* that knowledge springs from an externalized act of gazing on the political other. In Magnesia, comedy and the essential knowledge that comes from it—the knowledge of what it means to be a citizen by virtue of recognizing the non-citizen—are spectatorial rather than empirical; even within the borders of their native *polis*, Magnesia's citizen spectators conduct a *theôria*, a viewing of alterity.[19]

In treating comedy as an alien genre, Plato builds upon and intensifies numerous practices that were already in place in Athens and abroad, of which the following are especially relevant:

(i) The exclusion of non-citizens from Athenian festivals coincided with an emphasis on the performance as an expression of the citizen body's political identity and hierarchies. The more overtly political the festival was perceived to be, and the more closely it was designated as a space for the actualization of the citizenship, the more non-citizens were marginalized.[20] Such marginalization took many forms. It was, for example, illegal for metics, non-resident aliens, and disenfranchised citizens (*atimoi*) to participate in certain religious celebrations.[21] Legal restrictions also prevented non-citizens from performing in or paying the liturgies for the premiere civic festival, the City Dionysia, and the Thargelia.[22]

(ii) At other festivals (e.g., the Lenaia, in which comedies featured prominently) non-citizens are known to have participated as sponsors and members of the chorus, and this points to a second connection between Athens and Plato's ideal theater: it is debatable whether it was accidental or part of a deliberate strategy to reduce the symbolic significance of activities associated with metics and non-citizens (as it is in the *Laws*), but there appears to have been a correlation between the presence of non-citizens and the relative political and cultural marginality of the festival itself. As Pickard-Cambridge suggests, "That the Lenaian festival was less highly regarded than the City Dionysia is probably the reason why at the former, but not at the latter, aliens might sing in the choruses and resident aliens could be *choregoi*."[23] The greater the prominence of non-citizens, the less esteemed the festival appears to have been. The City Dionysia stands out precisely as favoring the political community, while the visibility of non-citizens at the Lenaia may be taken as a sign, as Wilson argues, of its being "less concentratedly focused around the *politai*."[24]

(iii) Where non-citizens did participate, their roles often appear to have called attention to their inferior political statuses. Wilson suggests that funding and participation in major Athenian festival processions "fell as obligations on a particular, minority status-group outside the Athenian citizenry, and they consisted in large part in placing that collective in a markedly inferior status-position. The point is made all the more forcefully by the fact that the metics were probably excluded from participation in the sacrifice in which this process culminated."[25] Non-Athenians were required by law to dress, perform, and subsidize the celebrations, and they did so in ways that trumpeted their subordinate political status and denied the cultural clout typically afforded to citizens fulfilling similar duties.

(iv) Where non-citizens were coerced to perform before citizen audiences outside Athens, their performances were employed as object lessons of how *not* to behave, thereby naturalizing sociopolitical hierarchy by humiliating low-status performers. Plutarch claims that Spartiates 'ordered Helots to perform ignoble and comical choral songs and dances (ἄδειν καὶ χορείας χορεύειν ἀγεννεῖς καὶ καταγελάστους) and commanded them to abstain from those that befit free men (τῶν ἐλευθέρων)' (*Lyc*. 28.4)[26] When the Thebans ordered captured Helots to sing works of Terpander, Alcman, and Spendos, they refused because they claimed their masters forbade it. For Plutarch this custom seemed so harsh that he could not attribute it to Lycurgus, but he takes the Helots' behavior as proof of the adage that 'the freeman (τὸν ἐλεύθερον) is most free in Sparta and the slave (τὸν δοῦλον) most enslaved' (*Lyc*. 28.5). The verbal and conceptual parallels with the *Laws* are striking. In both, comical genres of *khoreia* erect aesthetic, moral, and political boundaries between citizens and slaves.

(v) A stigmatization of acting and actors among elites developed alongside the emergence of celebrity actors in fifth- and fourth-century Athens.[27] Aristotle rejects professionalizing education in performance directed toward competition, on the grounds that the instrument does nothing to develop the mind, preferring instead musical training that makes the student an informed and acute listener and spectator (*Pol*. 1341a9–b32). Although his comments concern performances of the *aulos* and *kithara*, not acting, Aristotle nevertheless reflects a shared sentiment among elites according to which professionalized musical arts, which subject the male body in performance to the critical gaze of the spectator, are illiberal derogations of status.[28] A similar politics of

> elite distinction informs the dramatic representation of Socrates at leisure in Xenophon's *Symposium*. It is notable that the presumptive elite relationship to performance is that of the spectator, and that Socrates' fellow symposiasts, horrified when he admits that he too knows how to dance, are relieved and eager to become his students when they discover that his performances (not unlike those of the Chorus of Dionysos discussed in Chapter 2) occur only in private (Xen. *Sym*. 2.16–20). Class distinctions are thus being drawn in the symposium along spectatorial and performing distinctions; or, to put it the other way around, in the fourth century, the definitive elite performance had become the critical gaze, which takes as its object the comedic, erotic, and athletic bodies of non-native performers hired from abroad.[29]

The historical comparanda suggest that the *Laws* refines extant conventions of marginalizing non-citizens in performance. Just as participation in Athenian performances marked metics as secondary members of the *polis* and defined citizen identity through opposition and privilege, comedic genres in the *Laws* reproduce the boundary between those within and those outside the political community. In Magnesia's ideal comedy, which is programmatically concentrated on slaves and metics and away from the *politai*, the disenfranchised performers and the deviant genres they perform marginalize the festival and the values it presents on stage. Plato is not merely uninterested in the ethical well-being of the non-citizen population; on the Spartan model, the *Laws* would sacrifice the ethical well-being of the non-citizen population in performance to the benefit of the citizen community. Plato has taken a node of anxiety among elites—an uneasiness with professionalized bodies on display before (implicitly empowered) spectators—and exploited and transformed it into a basic structuring principle of Magnesia's performance culture. If Aristotle's solution is to train youth to be acute listeners and Xenophon's to conceal the elite performer, Plato's is to ensure that the disenfranchised always perform, their disgraceful bodies and shameful thoughts (τῶν αἰσχρῶν σωμάτων καὶ διανοημάτων) becoming the objects of elite speculation and knowledge (θεάσασθαι καὶ γνωρίζειν).

Magnesia's comedy is but one example of a larger policy, a systematic politics of spectatorship that informs the organization of genres classified as neither hymn nor encomium. Comedy, for Plato, is an archetypal genre, representative of a family of laughter-inducing forms and mimetic representations (τὰ τοῦ γέλωτος κωμῳδήματα); when Plato speaks of the comedic and the laughable, he includes a range of generic forms of which comedy is the

most prominent. The defining characteristic of the members of this family is a debased humor that renders the body and thoughts antithetical to the noble souls and choral performances that are central to the city's educational and religious system. This passage thus establishes a framework for integrating a variety of formally distinct but substantively interrelated genres.

Indeed, the theatrical coupling of ethical and political marginality, Plato claims, is to be a permanent approach to every choral genre that would otherwise subvert the law code:

> Let these be the lawfully ordained customs (συντεταγμένα νόμοις ἔθη) as regards the entire choral art and the learning connected with it (πᾶσαν χορείαν καὶ μάθησιν τούτων), the things appropriate for the slaves being kept separate from the things appropriate for masters (χωρὶς μὲν τὰ τῶν δούλων, χωρὶς δὲ τὰ τῶν δεσποτῶν)—if this is acceptable. (7.817e1–4)

As the context makes clear, such remarks pertain principally to tragedy (to which we turn momentarily) but also to the entirety of choral song and dance. The institutionalized interaction between 'despotic' (δεσποτῶν) citizen spectators and servile performers predetermines the meaning of the poetry even before it is performed. Importantly, this filter is part of the fabric of the social context of performance, rather than the words or lyrics performed. Plato's earlier dialogues show a keen awareness of the influence of the setting of spoken discourse on its reception and as a source of meaning in itself. [30] Now, in the *Laws*, by manipulating the scenario of performance and arranging the status relationships between alien performers and citizen audiences, Plato proposes the production of an utterance that is ritually correct within an occasion that delegitimizes the performers and the works they perform. Appropriate to the stigmatizing frame, deviant genres are admissible with the proviso that the event construe the performance and performers as ethically and politically other. As Peponi has recently argued, spectatorship is one of the *Laws*' foci of innovation.[31] Gazing is at the center of this study as well: through a series of visual and social cues, the *Laws* positions deviant genres as an aberration from the philosophy that underlies the law code; it is against this aberration that citizenship is defined. By recasting the relationships between performer and audience as representations of the power dynamic between non-citizen and citizen, Plato fashions a culture of *mousikê* in which the genres banished from the *Republic* are repackaged as cultural rituals in which citizenship is played out as an act of spectatorial self-definition against the political alien on stage. The legal category of citizen spectator coincides with that of agent of

virtue, and of non-citizen and servile performer with that of vice. Rule of the spectator would seem justified by the moral flaws of the non-citizens on stage. Once again, the *Laws* offers its own theatrocracy, one in which, as in Athens, authority in performance remains centered on the citizen spectator whose viewing re-enacts the political principles that obtain beyond the theater.

4.3 From Antithesis to Identity: Comedic and Iambic Invective

We have explored Plato's willingness to employ song and dance to differentiate civic identity through opposition, but negative exemplarity is not the whole story, for comedic discourse is more than merely risible. It includes elements of invective (*psogos*), which, together with praise (*epainos*), define civic behavior from *within* the enfranchised community. Plato is keen to appropriate invective in its comedic instantiations, but he is simultaneously wary of its potential for unbridled vitriol. His approach to invective exploits the discursive possibilities and navigates the ethical challenges presented by the many genres in which it is found. This requires that invective be entrusted not to those who are estranged from the city's political and philosophical values. Rather, when comedy and *iambos* (with which comedy is closely associated in the *Laws*) are treated as instances of invective, Plato insists they serve as official state discourse and that the right to compose be granted solely to Magnesia's most morally distinguished citizens.[32] In this sense, Plato organizes the city's performance culture not only according the structural antithesis of enfranchised and disenfranchised, but by another fundamental political principle, "the truest and most noble form of equality" (τὴν δὲ ἀληθεστάτην καὶ ἀρίστην ἰσότητα, 6.757b5–6): the principle of allotting political status according to virtue and education.

Plato's final discussion of comedy appears as part of a series of regulations on defamation. The *Laws* outlaws slander (*kakêgoria, loidoria*), because the person who slanders indulges his 'passion' (*thumos*), thereby 'brutalizing as much of the soul as was once cultivated by education' (11.935a4–6). A similar rule applies to poetic invective:

> We are now saying that it is impossible for a man embroiled in slander to avoid trying to say something that evokes laughter (τοῦ γελοῖα), and we are reviling this practice, when it involves spirited anger (θυμῷ). But what then? Do we accept the spirited eagerness of the comedians

> (τὴν τῶν κωμῳδῶν προθυμίαν) to say what is laughable (γελοῖα) about human beings, when they speak in such a way, trying to make comedies (κωμῳδοῦντες) about our citizens (πολίτας), without spirited anger (ἄνευ θυμοῦ)? Should we divide it in two, into what is playful and what is not (τῷ παίζειν καὶ μή), and allow someone to speak playfully in ridicule of another, without spirited anger, but allow no one to do so seriously and, as we said, with spirited anger? This subject must in no way be given up, but we should legislate who may do so, and who may not. A poet of comedy, or of some iambic poetry, or a melody of the Muses (ποιητῇ δὴ κωμῳδίας ἤ τινος ἰάμβων ἢ μουσῶν μελῳδίας), may not in any way make a comedy about any citizen (μηδένα τῶν πολιτῶν κωμῳδεῖν), through speech or image, whether with spirited anger or without spirited anger. If someone should disobey, those who preside over the contests must drive him completely out of the country on the very day, or else pay a penalty of three minas sacred to the god whose contest it is. Those, however, who were earlier said to have license to compose poetry (ἐξουσίαν . . . περί του ποιεῖν) concerning someone, may do so to one another (εἰς ἀλλήλους), without spirited anger and in play (τούτοις ἄνευ θυμοῦ μὲν μετὰ παιδιᾶς), but may not do so in seriousness or in spirited anger. The judgment as to this distinction shall be left to the Director of Education as a whole for the young; what this man judges approved, the poet may present in public, but what he judges disapproved, the poet may not himself show to anyone nor ever be seen teaching to any other, slave or free (μηδενὶ μήτε ἄλλον δοῦλον μήτε ἐλεύθερόν), without being held to be a bad man and one disobedient to the laws. (11.935c7–936b2)

Though Plato is concerned with the emotions and psychological dispositions to which citizens are mimetically exposed, and while the members of the ideal city are not to indulge in, or goad others to, excessive anger, the inspiration for legislating against impassioned invective is not, as some have suggested, that citizens might prove sensitive; nor does Plato wish to suppress the laughter of all but a few, though he does contend that humor is debasing when it becomes habitual.[33] Rather, comedic invective distills into music and induces in the participants particular psychological states—those in which the educated psyche regresses into a bestial condition—that undermine the citizens' moral training and thus have no place in the ideal city.

Plato's misgivings regarding comedic invective are attributable to the nature of the poetic medium itself. Just as only certain attitudinal stances

and psychological constitutions befit the ideal citizen, only certain genres are amenable to the articulation and performance of the type of civic identity that Plato seeks to fashion; citizenship in the ideal city may only be inscribed within a delimited range of discourses and modes of representation. Invective crystallizes forms of thought and psychological dispositions that are base, irrationally passionate, and slanderous; genres in which it appears are inherently incapable of expressing the values upon which the city is founded. A similar suggestion is made in the *Republic*, in which Socrates argues that theatrical poetry cannot render the sufferings of a virtuous man in any way comprehensible to a mass audience (*Resp*. 10.603c–605a). The *Laws* has already forbidden citizens from performing comedy and thereby assimilating themselves to comic character types. Now it ensures that they will not see themselves satirized by non-citizens on stage or scripted into genres that were known in Plato's (and Socrates') day for antagonism with philosophers and philosophical ways of living.

Yet, once again, for all its inadequacies, invective is not banished from the second-best city, as is clear from the reference to an earlier discussion of those whom the city authorizes to compose new poetic works (8.829c–e, quoted in full and discussed in Chapter 6). There Plato insists that Magnesia's poets not be chosen for their musical talent, but must be over fifty and both 'virtuous (ἀγαθοί) and honored (τίμιοι) as craftsmen of good works (ἔργων ὄντες δημιουργοὶ καλῶν)' (8.829d1–2). These select elders have demonstrated the moral fortitude to remain untainted by the comical characters they pen, maintaining the requisite dispassionate restraint when parodying others. Plato recognizes that invective poets hold a position of cultural influence and that poetic blame, particularly when sponsored by the *polis*, is a powerful form of normative commentary on civic behavior. It is no surprise, then, that he entrusts the 'privilege' (ἐξουσίαν) to compose well-tempered invective—as he does the highest political offices—to those citizens who have distinguished themselves as exemplars of the city's ideals.

What are we to make of the insistence that eminent citizen-poets parody 'each other (εἰς ἀλλήλους), without spirited anger and in play (τούτοις ἄνευ θυμοῦ μὲν μετὰ παιδιᾶς)'? The injunction would seem to impose severe limitations not only on the psychological states admissible in performance contexts and genres authorized by the city, but also on the possible subjects of comedic and iambic invective. Nor does it sit well with the claim at 8.828 that all citizens are subject to other forms of *psogos*. Of course, nothing precludes citizens from writing comedies about non-citizens and slaves, a poeticization of the politics of alterity that also informs the relationship

between spectators and audiences. One might conjecture, moreover, that Plato is expressing a sentiment in keeping with contemporary theatrical sensibilities: the fourth-century trend away from Old Comedy's *ad hominem* poetics.[34] He may also be acknowledging the long-standing tradition among iambic and comedic poets of lampooning rival artists. Poetic invective, moreover, served as a regulatory discourse on behaviors that appeared so base as to be beneath the dignity of a political equal or so lofty as to verge on hubris. As Smith argues, iambic invective played a key role as a form of social control, especially in speech communities composed of notional equals.[35] It is in keeping with the *Laws*' practice of encouraging both competition and equality among citizens that comedy and *iambos* 'sportively and playfully' bring the city's illuminati down a notch, moderating the differentiation in social status that the privilege to compose is designed to signal.

4.4 Plato's Tragic Muse

In light of the dynamic use of hymns, encomia, comedy, and *iambos*, perhaps the most striking feature of the *Laws*' treatment of tragedy is its relative brevity. Tragedy in the *Laws* is not subjected the systematic critique one finds in the *Republic*, and despite its being described as a genre that rivals the law code and the lawgiver for cultural authority, there are but three references to tragedy in the entire dialogue, and only one of any length. Unlike the *Republic*, moreover, we find no direct quotation of actual plays. Notwithstanding its fleeting appearance, tragedy, however, presents the interlocutors the challenge of incorporating into the city what is represented as the most serious poetic discourse, and it resists the type of schematic institutionalization as the other, which we find in the case of threnody and comedy. While tragedy is treated as non-native discourse, its claims are not incorporated within the city as the performance of alterity, the instructive antithesis to civic values; nor is its composition entrusted, as *iambos* and comedic poetry are, to official poets whose vetted works target others and speak on behalf of the state. Instead, the *Laws* presents tragedy as an influential discourse that shares substantive and stylistic grounds with the law code itself. The *Laws* betrays discernible ambivalence toward the genre and the function it might serve in the ideal *polis*. Thus, while the Athenian Stranger goes to great lengths to stigmatize tragedy as an alien genre, he nevertheless treats it as one that, with severe censorship and redaction, might be produced by the state. Such contradictory tendencies lead not to outright banishment but a provisional institutionalization of tragedy within the second-best city.

We return, once again, to the seminal discussion of the competition between genres in Book II. The Athenian Stranger claims that, were they to preside over the competition, "the educated women and the young men and probably the majority of almost everyone [would judge in favor of] tragedy" (τραγῳδίαν δὲ αἵ τε πεπαιδευμέναι τῶν γυναικῶν καὶ τὰ νέα μειράκια καὶ σχεδὸν ἴσως τὸ πλῆθος πάντων, 2.658d3–4).[36] Judged by simple majority, the victory in this competition would doubtless go to the tragic poet. While the Athenian Stranger's tone is dismissive, unlike puppet shows and comedy, which appeal to children and adolescents, tragedy's ideal audience includes those with political and cultural authority; the educated women are singled out for their refinement, while the young men are poised to enter the political arena.[37] These are neither easily mesmerized children gawking at animated dolls nor adolescent boys indulging in farcical spectacle. If, furthermore, Athens figures as the unspoken backdrop for this imaginary dramatic festival, tragedy is the genre of choice for the crowds; to the degree that the πλῆθος πάντων is the equivalent to the mass Athenian citizen body, it appeals to the ultimate governing authorities of the democracy.[38] Although it may appeal to those in positions of cultural and political authority, however, the Athenian Stranger dispenses with any notion that tragic poets deserve their status or that they will maintain it within the second-best city. As discussed in Chapter 2, the generic competition presages an argument that one must evaluate performance according to the tastes of the best of citizens—the eldest, whose lives and knowledge lend experience and insight to their aesthetic judgments (2.658e6–659a)—an antidemocratic model of poetic *krisis*, which undermines the status of tragedy in the city by calling into question the tastes of those who prefer it.

The next discussion of tragedy advances a more comprehensive critique of the genre. The passage is here quoted in its entirety in translation and the original, to enable readers to assess the stylistic register in which Plato engages with tragic discourse:

> As for what they call serious poets, our tragic poets, suppose some of them should at some time come to us and ask something like this: 'Strangers, shall we frequent your city and territory or not? And shall we carry and bring along our poetry, or what have you decided to do about such matters?' What kind of a reply regarding these matters would we correctly give to the divine men? For my part, I think it should be as follows: 'O best of strangers,' we should say, 'we ourselves are poets, who have to the best of our ability created a tragedy that is the most beautiful and the best; at any rate, our whole political

regime is constructed as the imitation of the most beautiful and best way of life, which we at least assert to be really the truest tragedy. Now you are poets, and we too are poets of the same things; we are your rivals as artists and performers of the most beautiful drama, which true law alone can by nature bring to perfection—as we hope. So do not suppose that we will ever easily, at any rate, allow you to come among us, set up your stage in the marketplace, and introduce actors whose beautiful voices speak louder than ours. Do not suppose we will easily let you make public speeches to the children and the women and the whole mob, speaking of the same pursuits that we speak of, but saying things that are in great part the most opposite to what we say. For we would be almost completely mad—we and every city, if it allowed you to do what has just been described, before its rulers had passed a judgment on whether or not the words and practices you had created were to be spoken in its midst. Now then, you offspring descended from the soft Muses, we will first display to the rulers your songs alongside ours; if the things said by you are evidently the same, at least, or better, we will grant you a chorus. But if not, friends, we could never do it.' (7.817a2–e3)

τῶν δὲ σπουδαίων, ὥς φασι, τῶν περὶ τραγῳδίαν ἡμῖν ποιητῶν, ἐάν ποτέ τινες αὐτῶν ἡμᾶς ἐλθόντες ἐπανερωτήσωσιν οὑτωσί πως· "ὦ ξένοι, πότερον φοιτῶμεν ὑμῖν εἰς τὴν πόλιν τε καὶ χώραν ἢ μή, καὶ τὴν ποίησιν φέρωμέν τε καὶ ἄγωμεν, ἢ πῶς ὑμῖν δέδοκται περὶ τὰ τοιαῦτα δρᾶν;"—τί οὖν ἂν πρὸς ταῦτα ὀρθῶς ἀποκριναίμεθα τοῖς θείοις ἀνδράσιν; ἐμοὶ μὲν γὰρ δοκεῖ τάδε· "ὦ ἄριστοι," φάναι, "τῶν ξένων, ἡμεῖς ἐσμὲν τραγῳδίας αὐτοὶ ποιηταὶ κατὰ δύναμιν ὅτι καλλίστης ἅμα καὶ ἀρίστης· πᾶσα οὖν ἡμῖν ἡ πολιτεία συνέστηκε μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου, ὃ δή φαμεν ἡμεῖς γε ὄντως εἶναι τραγῳδίαν τὴν ἀληθεστάτην. ποιηταὶ μὲν οὖν ὑμεῖς, ποιηταὶ δὲ καὶ ἡμεῖς ἐσμὲν τῶν αὐτῶν, ὑμῖν ἀντίτεχνοί τε καὶ ἀνταγωνισταὶ τοῦ καλλίστου δράματος, ὃ δὴ νόμος ἀληθὴς μόνος ἀποτελεῖν πέφυκεν, ὡς ἡ παρ' ἡμῶν ἐστιν ἐλπίς· μὴ δὴ δόξητε ἡμᾶς ῥᾳδίως γε οὕτως ὑμᾶς ποτε παρ' ἡμῖν ἐάσειν σκηνάς τε πήξαντας κατ' ἀγορὰν καὶ καλλιφώνους ὑποκριτὰς εἰσαγαγομένους, μεῖζον φθεγγομένους ἡμῶν, ἐπιτρέψειν ὑμῖν δημηγορεῖν πρὸς παῖδάς τε καὶ γυναῖκας καὶ τὸν πάντα ὄχλον, τῶν αὐτῶν λέγοντας ἐπιτηδευμάτων πέρι μὴ τὰ αὐτὰ ἅπερ ἡμεῖς, ἀλλ' ὡς τὸ πολὺ καὶ ἐναντία τὰ πλεῖστα. σχεδὸν γάρ τοι κἂν μαινοίμεθα τελέως ἡμεῖς τε καὶ ἅπασα ἡ πόλις, ἠτισοῦν ὑμῖν ἐπιτρέποι δρᾶν τὰ νῦν λεγόμενα, πρὶν κρῖναι τὰς ἀρχὰς εἴτε ῥητὰ καὶ ἐπιτήδεια πεποιήκατε λέγειν εἰς τὸ μέσον εἴτε μή. νῦν οὖν, ὦ παῖδες μαλακῶν Μουσῶν ἔκγονοι, ἐπιδείξαντες τοῖς ἄρχουσι πρῶτον τὰς

> ὑμετέρας παρὰ τὰς ἡμετέρας ᾠδάς, ἄν μὲν τὰ αὐτά γε ἢ καὶ βελτίω τὰ παρ' ὑμῶν φαίνηται λεγόμενα, δώσομεν ὑμῖν χορόν, εἰ δὲ μή, ὦ φίλοι, οὐκ ἄν ποτε δυναίμεθα."

This passage may be read on two, interlocking levels: that of the text—the philosophical dialogue that is the *Laws*—and that of the second-best city it proposes; for what is developed here is an approach to tragedy as a literary genre that parallels the *Laws*' critique of tragedy as a social practice.

First, then, with respect to what this passage reveals regarding Plato's treatment of tragedy as a literary genre, it will be instructive to begin far afield with the definition of mimesis as opposed to pure narrative (*haplê diêgêsis*) in Book III of the *Republic*; for the earlier dialogue provides a theoretical framework for the drama of genres that appears in the *Laws*. If *diêgêsis* involves the reportage of events and speeches, and if 'mimesis' (μιμεῖσθαι) is defined as 'assimilating' (ὁμοιοῦν) oneself in 'diction' (λέξιν), 'voice' (φωνήν), and 'posture' (σχῆμα) to the person who is giving the speech (*Resp*. 393b7–c9), genres may be classified according to the conventional usage of one mode of communication over the other:

> 'Understand then,' said I, 'that the opposite of [pure narrative, *haplê diêgêsis*] arises when one removes the words of the poet between and leaves the alternation (τὰ ἀμοιβαῖα) of speeches.' 'This too I understand,' he said, 'it is what happens in tragedy.' 'There is one kind of poetry and tale-telling (τῆς ποιήσεώς τε καὶ μυθολογίας) which works wholly through imitation (ἡ μὲν διὰ μιμήσεως ὅλη), as you remarked, tragedy and comedy; and another which employs the recital of the poet himself (ἡ δὲ δι' ἀπαγγελίας αὐτοῦ τοῦ ποιητοῦ), best exemplified, I presume, in the dithyramb; and there is again that which employs both, in epic poetry and in many other places, if you apprehend me.' (*Resp*. 3.394b3–c5, Shorey trans.)

The distinctive feature of tragic and comic poetry is its performative mode: mimetic dialogue—defined in contradistinction to bare narration—in which actors assimilate themselves to the diction, voice, and postural form of the characters they represent. It is thus remarkable that the critique of tragedy in the *Laws* appears as a series of exchanges (ἀμοιβαῖα) between tragic poets and the nomothete in which each character speaks metonymically for the genres he represents, and in which the lawmaker imitates the tragic style. As the Athenian Stranger debates whether to invite tragedy into the city, the

philosophical dialogue itself sheds its characteristically distended, unvarnished style, and ventures into a heightened poetic register, adopting the mimetic mode and formal characteristics of elevated tragic diction (*lexis*): epistrophic alliteration (καλλίστης ἅμα καὶ ἀρίστης, τοῦ καλλίστου καὶ ἀρίστου βίου; ἀντίτεχνοί, ἀνταγωνισταί); homoioteleuton (καλλίστης ἅμα καὶ ἀρίστης); ring compositional structures (ὦ ἄριστοι . . . ἀρίστης); balanced antitheses (ποιηταὶ μὲν οὖν ὑμεῖς, ποιηταὶ δὲ καὶ ἡμεῖς; ἀντίτεχνοί τε καὶ ἀνταγωνισταί); oblique (and ironic) titular amplifications (ὦ ἄριστοι . . . τῶν ξένων; ὦ παῖδες μαλακῶν Μουσῶν ἔκγονοι); anagrammatic punning (νόμος, μόνος); and the list goes on. In comparison to the tragedians' laconic ὦ ξένοι, the Athenian Stranger's address appears florid (καλλιφώνους), a marked departure from the *Laws*' otherwise turgid, discontinuous style into tragic discourse. The passage resonates with assonance (σκηνάς τε πήξαντας) and balanced or repeated phrases (καλλίστης ἅμα καὶ ἀρίστης, τοῦ καλλίστου καὶ ἀρίστου βίου; ποιηταὶ μὲν οὖν ὑμεῖς, ποιηταὶ δὲ καὶ ἡμεῖς; τὰς ὑμετέρας παρὰ τὰς ἡμετέρας ᾠδάς). The Athenian Stranger affects a mockingly grandiloquent tone when addressing the tragic poets with the exaggerated ὦ ἄριστοι . . . τῶν ξένων, ὦ φίλοι, and the indulgent ὦ παῖδες μαλακῶν Μουσῶν ἔκγονοι, itself chiasmic in structure. Nagy has argued that "[i]n the staged dialogue of the *Ion*, Plato's fine-tuned ear for language—not just for any language but in this case the technical language of high-class artisans like rhapsodes—has . . . picked up on a variety of authentic expressions and turns of phrase that echo the talk of real rhapsodes as they once upon a time practiced their art or *tekhnê*—and even as they once upon a time *spoke about* this real *tekhnê*."[39] Similar fine tuning to the practices and talk associated with tragedy is on display in in 7.817a–e as well: terminology for poetic inspiration (μαινοίμεθα), dramaturgy (δρᾶν), the showing and selection of works to be performed before judges (ἐπιδείξαντες), judgment (κρῖναι), poetic composition (πεποιήκατε), and publication (εἰς τὸ μέσον) of tragic texts—all replicate ancient discourse of tragic production. Such microscopic generic appropriation is reflected on a larger scale in the agonistic posture assumed by the legislator toward his tragic rivals. Athenian tragedy presupposes *agôn*: poets and trilogies competing against other poets and trilogies, actors ranked according to preeminence within individual plays, and sponsors (*khoregoi*) awarded choruses and vying for the privilege of dedicating monumental stelae in commemoration of civic euergetism. By characterizing itself and tragedy as ἀντίτεχνοί τε καὶ ἀνταγωνισταί, the *Laws* replicates the competitive principles of tragic performance.

As we observed in the previous chapter, such poaching of rival genres, so characteristic of the Platonic dialogue, is also among tragedy's defining

features as a species of choral song and dance that blends contemporary and archaic forms, and calls attention to its multigeneric qualities. The exchange is, by the *Republic*'s definition of mimesis, a microcosm of the tragic genre, a compressed reenactment of tragedy's defining performative mode. It is as though to address tragedy, the *Laws* must perform tragedy, assuming tragic shape, delivering speeches in tragic style, and assimilating its diction to the genre about which it speaks. The effect is to create a *mise en abyme*, a tragic dialogue embedded within a philosophical dialogue that itself is modeled on the diction of tragic dialogue, which has been appropriated for philosophical dialogue, until definitive features dehisce from one genre and migrate to the other. In characterizing poets and nomothetes as antagonists in the greatest tragedy, Plato stages a drama of genres, one that re-enacts the ancient quarrel between poetry and philosophy, rewrites that quarrel as a struggle for primacy between tragedy and law, and ultimately situates tragic discourse in subordination to legislation. The point is clearly to show that (philosophy of) law may lay claim to all that makes tragedy socially, stylistically, and politically relevant and weighty (*spoudaios*), all that makes tragedy tragedy—while omitting, of course, the pathology and false beliefs that vitiate the genre.

Predictably, tragedy's generic markers are ultimately turned against it. Its most distinctive characteristics—elevated diction, gravity, mimetic dialogue, agonistic poetics—are not only the grounds for subjecting tragic poetry to legal scrutiny, but are also transferred into the texture of the *Laws*, exposing tragedy's gestures to cultural authority as little more than decorative stylistic embellishments that any genre may, as the *Laws* does, appropriate and invest with meaning. Legislation, meanwhile, lays claim to tragedy's reputed seriousness, assuming the stylistic features and mimetic mode that make tragedy so dangerously persuasive and pleasurable a genre. As the Athenian Stranger asserts, the law is the most perfect tragedy, an authoritative genre capable of competing with Athenian drama on its own terms. Tragedy's hazardous features are thereby recoded as law's most desirable literary elements. Indeed, given that the Athenian Stranger receives by far the most eloquent lines—he is the protagonist—and that his profuse response (ἀποκρινοίμεθα, a term with theatrical resonance) subsumes the dialogue and forestalls the tragedians' reply, philosophy of law appears as the original form of utterance, the unmarked genre from which tragedy is the marked derivative.

The ascendancy of a given genre within a specific historical period, Bakhtin argues, has a way of altering neighboring genres, infecting others with its unique properties and establishing the discursive possibilities for genres that subsequently emerge.[40] Bakhtin's example is the novelization of

genres that predate the novel and appear fixed until the eighteenth century (drama, epic, and lyric) and newer media that appear thereafter, all of which begin to take on novelistic qualities. More pertinent ancient examples may be found in tragedy's increasingly rhetorical qualities in the late fifth century and the modeling of *Sokratikoi Logoi* on comedy's dialogic form, emergences that speak to the centrality of rhetoric and theater respectively, in democratic Athens. Here an analogous process is underway; this particular passage models the genre of legal philosophy on tragic discourse. To readers of the Platonic corpus, the *Laws*' use of tragic discourse will strike a familiar chord; as we observed in the Introduction and in the previous chapter, Plato often shows that philosophy as a literary genre has the artistic resources to craft inspired, poetic speech, and to rival the dominant genres of his day. The upshot is that 7.817a–e offers a microcosm not only of tragedy, but of the emergence of the philosophical dialogue as a literary genre, that is, of the intertextual and literary strategies employed by Plato to undermine tragedy's prestige and to position *philosophia* as an authoritative intellectual practice and literary form.

Plato's invention in the *Laws* of a philosophically informed genre of legislation and commentary on law thus confirms Todorov's claim that "a new genre is always the transformation of an earlier one, or of several: by inversion, by displacement, by combination."[41] The same might be said of Plato's tragedy on the second level, the level of the second-best city. Just as Plato appropriates tragedy as a literary genre, grafting it into the genre of philosophy, so too tragedy is made a subordinate civic institution. Despite the intergeneric rivalry, Plato admits tragedy and grants it a chorus, provided that it complements in different generic form the values of the law code. Commentators regularly dismiss Plato's admission of tragedy here as disingenuous.[42] So totalizing is the assault on tragic poetry in the *Republic*, that it appears improbable for Plato to retract his former criticisms and restore the genre without greater philosophical argumentation; nor does Plato seem to acknowledge that the brief comments at 7.817a–d hardly provide an adequate response to the ontological, epistemological, and psychological critique of mimetic poetry in *Republic* II, III, and X. Criticisms in the *Republic*, however, need not lead to the conclusion that tragedy has no place in the ideal city of the *Laws*. We must distinguish between the argument developed in 7.817a–d and its literary tone, that is, between the model of appropriation proposed by the Athenian and the rhetoric of parody that pervades this and virtually every reference to tragedy in the Platonic corpus. Although Plato remains skeptical, he appears to believe that tragedy may be retooled as one of Magnesia's apparatuses and made to conform to the law as part of the city's approved musical repertoire.

The *Laws* provides no clue regarding what such tragedy might look like—presumably rather unlike *Athenian* tragedy as Plato knew it. One cannot but suspect that the systematic and censorial comparison that Plato envisions between the words of the law and tragic texts will void the latter of the soul-enchanting harmonies that make it such a subtle and seductive genre. However, the phrases δώσομεν ὑμῖν χορόν and ἐπιδείξαντες τοῖς ἄρχουσι have an official ring, recalling, for example, both the procedure whereby the Athenian Archon awarded choruses to poets and, more relevant to the discussion of reperformance, the Athenian vote to allow posthumous productions of Aeschylean tragedy.[43] By the late fourth century (and possibly earlier), tragedy had begun to lose its definitively Athenocentric qualities; it was becoming increasingly common for tragedy to be adapted to performance scenarios outside Attica and for local choruses to join traveling dramatic players in the reproduction of popular dramas—all of which provides historical precedent for Plato's recasting of the genre as at once alien (with actors from abroad) and local (granted a native *khoros*). Wilson observes that "[a]lthough the practices depicted in the *Laws* can hardly be anchored too securely to any specific context, they frequently draw on contemporary habits of Greek cities, and the image of drama produced in this way must have been a familiar one."[44] Tragedy, a potentially dangerous genre, whose poets and actors seduce the women, children, and masses, is thereby transformed into a beneficial performance in which the citizens participate as performers and not merely as spectators of alterity.

How does the *Laws*' model of tragic appropriation compare to its treatment of comedy? Plato summarizes the process of censorship with respect to both genres as keeping "the things of slaves separate from those of masters" (χωρὶς μὲν τὰ τῶν δούλων, χωρὶς δὲ τὰ τῶν δεσποτῶν), a curious phrase that must be meant in two senses: comedy displays images of moral degeneracy on the public stage through the medium of slave and metic performers, but tragedy, also characterized as the articulation of values that are alien and antithetical to the state, undergoes a more thorough reformation.[45] Its performances are not relegated to non-citizens and slaves. Rather, there is another sense in which the institution of tragedy inscribes a relationship of mastery and subordination onto the state; in Magnesia, tragedy remains the outsider genre for which staging is temporary and actors imported (and it is worth recalling that slaves in Greece were drawn from non-native peoples).[46] Even in its redacted form, tragedy has no enduring place on the festival calendar of the ideal city; its importation (presumably from Athens) begins with a comparison between the alien works and native texts inscribed on temple walls; its actors and poets are foreign, its theater (if one

exists) impermanent. In an inversion of the natural sequence of performance, poems are judged (κρῖναι) *before* they are performed, and choruses—never guaranteed—are only granted *after* the work has been displayed (ἐπιδείξαντες). Plato offers, then, a subservience of itinerant tragic poetry—itself often thematically concerned with political disenfranchisement—to the permanent, institutionalized, and unchanging songs of the state. It is important to note in this context that the extant plays often reflect on the status of aliens, the disenfranchised, and slaves within the *polis*; as Vidal-Naquet argues, "[e]very Athenian tragedy is a reflection on the foreigner, on the Other, on the double."[47] Tragedy thus provided an important venue for Athenian citizens to represent to themselves the antitheses along which their privileges and statuses were defined. Citizens of Magnesia, by contrast, will have been raised to believe that their state is the best, and they are only irregularly exposed to non-native genres that explore what it means to be non-native.[48] As it is expatriated from its native (Athenian) poetic and political traditions, transplanted, and reinvested with meaning appropriate for Magnesia's citizens, tragedy fronts its status as poetry that is never quite 'naturalized,' permanently signifying foreignness and inferiority within the second-best city's official canon.

The *Laws*' (and Plato's) final discussion of tragedy introduces one of the few cases in which the genre as it is currently configured appropriately complements law. The Athenian Stranger identifies an undesirable side effect of raising young men and women, who are free from physical labor, socialized with one another, and expected to participate regularly in coed dances and festivals: under such conditions the youth will inevitably be led into extramarital sexual relationships. The Athenian Stranger discovers an 'art' (τέχνην, 8.837e9) by which to discourage such practices in an 'unwritten law' (νόμος ἄγραφος, 7.838b1), which tragedy endorses, that stigmatizes a comparable sexual vice—incest:

ATH. And is it not just one little saying (σμικρὸν ῥῆμα) that quenches all such pleasures [i.e., the pleasures of incestuous intercourse]?

ME. What phrase are you referring to?

ATH. The saying that declares these things are not at all pious (ὅσια), but are hateful to the gods and most shameful of shameful things (θεομισῆ δὲ καὶ αἰσχρῶν αἴσχιστα). Isn't the cause the fact that no one ever says anything else, but from the moment of birth each of us hears people saying these things, always and everywhere, in humorous genres and in all seriousness that is often called tragic (ἐν γελοίοις τε ἅμα ἐν πάσῃ τε σπουδῇ τραγικῇ λεγομένῃ πολλάκις), whenever they bring Thyestes-figures or certain

> Oedipuses, or certain Macareuses, who secretly have intercourse with their sisters and readily inflict upon themselves the just punishment of death for their crime?
>
> ME. You are quite correct to this extent: when no one ever even tries to draw a breath of inspiration (ἀναπνεῖν) against the law in any way, then the pronouncement (φήμης) has an amazing power.
>
> ATH. So what was said a moment ago (τὸ νυνδὴ ῥηθέν) is correct: when a lawgiver wishes to enslave a certain desire which especially enslaves human beings (τινὰ ἐπιθυμίαν δουλώσασθαι τῶν διαφερόντως τοὺς ἀνθρώπους δουλουμένων), it is easy to know, at least, how he should handle it. By having everyone—slaves, free men, children, women, the whole city in agreement together—hold this pronouncement to be something sacred (καθιερώσας ταύτην τὴν φήμην), he will have succeeded in making this law very firm. (8.838b7–e1)

Plato's generic language is of some importance; ἀναπνεῖν and φήμης connote oracular inspiration and γελοίοις (the 'seriocomic') is at times used synonymously with *psogos* ('invective').[49] The capacious ῥῆμα designates an array of discursive practices, ranging from individual conversations and gnomic sayings that comprise popular morality, which, as we observed in the previous chapter, are measured against the lawmaker's *grammata*, that is, the *Laws*. The terms γελοίοις and πάσῃ τε σπουδῇ τραγικῇ λεγομένῃ may be understood to operate metaphorically, as representative of genres that, respectively, subvert or affirm civic norms. The suggestion is that comedic and tragic genres, broadly construed, demarcate the universal parameters of moral sentiment as articulated in poetic utterance, which, despite their being antithetical in other respects, are unanimous in condemnation of incest. The choice of the mythological heroes (or villains) Thyestes, Oedipus, and Macareus—figures whose tragic plots reflect the profoundest transgressions of social and religious norms—suggests that even the most debased characters and ethically aberrant poetic forms corroborate the unwritten law, an extraordinary moment in which genres that play to the violation of deeply held moral values ultimately confirm those values precisely by representing their violation.[50] Comedy and tragedy thus offer models of how to regulate or, as the Athenian Stranger puts it, 'enslave' (δουλώσασθαι) the desire not only for incest but also extramarital sex, an activity forbidden in the *Laws* until the citizen has fulfilled the obligation to reproduce (6.782e).[51] Both are thus illustrative of the manner in which even the most insatiable and incorrigible pathological desires may be subjected to control, not by written law but by *phêmê*, an instance in which even

tragedy contributes to the dissemination of beliefs that reinforce written legal statutes. There is, of course, irony in Plato's proposing to use performance to quell the erotic exuberance stimulated by Magnesia's intensive performance culture, as well as in taking tragic portrayals of incest as the model of sexual socialization, gender, and reproduction. Irony aside, however, the sole utility that Plato identifies in tragedy consists in creatively (mis)construing myth to illustrate the normative potential that discursive practices exhibit, one (and perhaps the only) feature of the genre not requiring censorship before being granted a chorus.

4.5 Beyond the Politics of Performance: ta bakkheia *and the Genres of Ecstasy*

The final form of performance treated in this chapter constitutes not so much a single genre but a group of genres and an activity associated with numerous performative practices, ranging from telestic healing rites to satyric drama, which occupy a liminal position in the *Laws*. Plato acknowledges that the cathartic effects of such performances are of psychological benefit, but their politics is another matter altogether. Plato characterizes the genres of ecstasy as extra-political models of performance, the outer limit of Magnesia's performance culture, a group of dance forms in which meaning is so destabilized that it is impossible to provide a ritual context to frame the performance and render it useful to the state. We begin with a discussion that highlights the beneficial aspects of ecstatic performance before moving on to a passage in which the interlocutors consider bringing those genres into the ideal state.

In Book VII, Plato argues that it is necessary to coerce pregnant mothers and nurses to keep embryos and children in perpetual motion in preparation for their entrée into the educational system (7.788a–789b). To prove that rocking and walking have a beneficial effect on the soul, Plato analogizes pre- and neonatal movement to ecstatic song and dance:

> Evidence for this principle [i.e., that motion is good for the formation of infant souls] is found in the fact that it has been adopted, and is known to be useful from experience, by the women who nurse little ones and by the women who perform the mystery-rite cures of the Corybantes (αἱ περὶ τὰ τῶν Κορυβάντων ἰάματα τελοῦσαι). For presumably when mothers want to lull their restless children to sleep they do not provide stillness but just the opposite, motion

> (κίνησιν); they rock them constantly in their arms, and not with silence but with some melody (μελῳδίαν). It is exactly as if they were charming the children with *aulos*-playing (καταυλοῦσι), even as is done for the maddened Bacchic revelers (τῶν ἐκφρόνων βακχειῶν), to whom they administer the same cure (ἰάσεις), which consists of the motion that is choral dance and song (τῇ τῆς κινήσεως ἅμα χορείᾳ καὶ μούσῃ). (7.790d2–e4)

The Athenian Stranger explains that the motions of dance, song, and rocking combat sleeplessness and Corybantic madness, both of which he describes as 'conditions' or 'afflictions' (παθῇ, 7.790e8) and forms of 'fear' (δειμαίνειν . . . δείματα 7.790e8–9) caused by a "certain base disposition of the soul" (ἕξιν φαύλην τῆς ψυχῆς τινά, 7.790e9). During the Corybantic ritual "the exterior motion of song and dance enters into the soul and overpowers the internal fearful and mantic motion" (ἡ τῶν ἔξωθεν κρατεῖ κίνησις προσφερομένη τὴν ἐντὸς φοβερὰν οὖσαν καὶ μανικὴν κίνησιν, 7.791a1–3). Whereas young are lulled to sleep, those effected by Corybantic madness "awaken, and dancing with the gods to the accompaniment of the *aulos*, . . . regain their intelligent (*or* rational) disposition" (ἕξις ἔμφρονας ἕξειν, 7.791a6–b1).

The text of these passages is problematic and corrupt, and much uncertainty surrounds the nature of the Corybantic and Bacchic ritual (or rituals) mentioned, but two points seem sufficiently clear.[52] The first is that the analogy between the rocking of infants and priestesses who administer Corybantic rites rests on the fact that both mothers and priestesses alleviate internal psychological dysfunction by the external imposition of ordered motion.[53] Plato's aim is to prove the possibility of shaping the soul through bodily *kinêsis*, and the psychological experience of Corybantic ecstasy offers an analogy to justify legislating the upbringing of infants: since rocking, like ecstatic dancing, calms the soul and shapes its ethical disposition, mothers and nurses are required to keep babies in constant motion.

Second, however, nowhere in the *Laws* are ecstatic performances incorporated into Magnesia's official repertoire.[54] The psychological benefit issuing from the external imposition of dance may facilitate an argument regarding pre-rational infants, but a later discussion, which addresses directly the civic role of ecstasy and purgation, suggests that the cathartic qualities of Bacchic and ecstatic dance appear unfit for adult citizens. The Athenian Stranger distinguishes between four categories of dance about which there is no debate: the martial and irenic dances that, forming integral parts of the education system, are further subdivided into representations of virtuous persons

suffering bravely or temperately enjoying success. Ecstatic and Bacchic dances represent a fifth, unclassifiable category:

> Now first it is necessary to separate off the ambiguous dancing (ἀμφισβητουμένην ὄρχησιν) from the unambiguous (ἀναμφισβητήτου). What then is this, and how should it be separated off from the other? Whatever dances are Bacchic and everything that goes with these (ὅση μὲν βακχεία τ' ἐστὶν καὶ τῶν ταύταις ἑπομένων)—the dances in which, as they claim, they imitate as drunks (μιμοῦνται κατῳνωμένους) the so-called Nymphs, Pans, Silenoi, and Satyrs, and thereby celebrate certain purifications and mystery rites (περὶ καθαρμούς τε καὶ τελετάς τινας ἀποτελούντων)—this entire class of dance (σύμπαν τοῦτο τῆς ὀρχήσεως τὸ γένος) is not easily defined either as peaceful or as warlike, or indeed as to just what it intends at any time (οὔθ' ὅτι ποτὲ βούλεται ῥᾴδιον ἀφο ρίσασθαι). It seems roughly correct to me to define it (διορίσασθαι) this way: having set it apart from the martial and from the irenic, to say that this species of dance is not political (οὐκ ἔστι πολιτικὸν τοῦτο τῆς ὀρχήσεως τὸ γένος), and, once it has thus been set aside, let it stay there (ἐνταῦθα δὲ κείμενον ἐάσαντας κεῖσθαι) while we return now to the warlike and the peaceful dances, since there is no ambiguity as to whether they are our business (ἀναμφισβητήτως ἡμέτερον ὄν). (7.815b7–d4)

Some commentators have detected in this passage an openness on Plato's part to Bacchic and ecstatic experience. Linforth, for instance, insists that Plato's assessment of telestic and Bacchic dance appears ambiguous: "[t]hough the tone of his [i.e. Plato's] words expresses dislike for some dances of this kind, he does not explicitly condemn them all and is satisfied in the end to leave the question unsettled, merely insisting that they are distinct from the four kinds [of dance] which are unquestionably acceptable, and remarking that they are after all not a matter of civic interest."[55] On the interpretation proposed here, however, the dismissal (ἐάσαντας) of the genus of dance as apolitical (οὐκ . . . πολιτικόν) is an unequivocal, categorical rejection of ecstatic and Bacchic dance genres within the city of Magnesia; for it is here that Plato delineates most firmly between what can be performed within a political community, whether by identity, affirmation, antithesis, or subordination to the city's law code. Part of the reluctance Plato exhibits when treating Bacchic and ecstatic dance stems, on the one hand, from their laying claim to Dionysiac inspiration and medicinal value; the participants maintain that their ecstatic dances represent the Dionysiac, serving as the medium

through which gods engage with and heal the ailing. Such genres appear to possess religious and psychological qualities that are instrumental in Plato's rehabilitation of Athenian performance culture; Dionysiac festivals, sympotic drinking, conviviality, psychic plasticity, and psychological renewal are practices and properties that the first two books of the *Laws* institutionalize and thereby make *politikon*. Ecstatic and Bacchic dances thus represent the alter ego to Magnesia's version of a regulated sympotic and festival culture, inducing psychic states (purification and calming of fear) that are amenable to the project of the *Laws*, but at the same time stimulating and attributing to divine inspiration behaviors (unrestrained drunkenness and madness) that it opposes.[56]

On the other hand, however, there is another, equally relevant sense in which the genres of *ta bakkheia* are unsuitable for the political community. Despite the diversity of performance occasions, the Bacchic genres to which Plato refers—telestic healing rituals of the Corybantic sort and satyr plays in which Dionysos, Pan, Silenus, and satyrs are stock figures—share one common attribute; they contain and are classifiable as ἀμφισβητουμένην ὄρχησιν.[57] Commentators often translate ἀμφισβητουμένην as 'debatable,' that is, as an object of speculative uncertainty and deliberation in the dialogue of the *Laws*, but ἀμφισβητουμένην must also refer to the internal ideology of the poetry itself; for such performances inspire debate among the interlocutors precisely by programmatically evading definitive interpretability. Among the characteristics of the varied genres classed under *ta bakkheia* is resistance to classification: 'this entire class of dance is not easily defined (ἀφορίσασθαι) either as peaceful or as warlike, or indeed as to just what it intends at any time (ὅτι ποτὲ βούλεται).' The language in this passage recalls earlier discussions of poetry in Book II, in which the Athenian Stranger argues that the intelligent critic of music judge "knowing its essence, what it intends and of what it is in reality a representation" (τί ποτε βούλεται καὶ ὅτου ποτέ ἐστιν εἰκὼν ὄντως, 2.668c6–7), and excoriates poets for mingling the natural tunes and gestures of men with those of women, slaves with free, and humans with animals: in poetry "in which rhythm and harmony occur without reason (*or* word, λόγου), it is utterly impossible to know what it intends and which of the worthy representations it resembles" (ὅ τί τε βούλεται καὶ ὅτῳ ἔοικε τῶν ἀξιολόγων μιμημάτων, 2.669e2–4). The repetition of some variation of τί βούλεται cannot have be arbitrary; Bacchic dance distorts its message in the act of performance. Plato here reaffirms the principle, discussed in Chapter 2, that the correctness of a given is to be decided 'in light of a sense of the work's own

representational goals'[58] and that basic interpretability is a prerequisite for inclusion within the city's musical canon. Yet, Bacchic and ecstatic performance programmatically undermines any meaning; it is intentionally burlesque, offering (often) grotesque disfigurations of traditional and more readily categorized forms.[59] The entire genus of Bacchic dance is thus dismissed as a- or extra-political not only because its outlandish gestures are unsuitable for sober, temperate citizens, but, more to the point because the genre toys with definitive meaning; its representational goals *are* distortion and indeterminacy. It cannot therefore be construed as an 'other' against which the citizen self is defined, nor does it admit the systematic revision that fastens most poetic forms to the law code. While Plato acknowledges the medicinal qualities of allopathic performances, their benefits are administered by Magnesia's drinking parties and dining halls discussed in Books I, II, and VII.[60] It would ultimately be left to Aristotle to envision genres of catharsis—linked to tragedy rather than to ecstatic and satyric performance—as advantageous to the political community.[61]

4.6 Conclusions

The study of unideal genres has led in many directions, and thus by way of conclusion it may help to summarize our main contentions. A single overarching claim unifies our reading of comedy, threnody, and *iambos*: Plato's handling of subversive genres is informed by and replays the principles that underlie his notion of what it means to be a member of a *polis*. In other words, Plato is working out in *mousikê* the definitive boundaries of citizenship. It is perhaps to be expected that membership in a *polis* has many meanings, but in transgressive generic contexts citizenship emerges along three axes. First, to be a citizen is to have obtained an ethical orientation toward pleasure that manifests itself in a city's diversity of genres, popular morality, and political institutions. Second, it also means to be implicated and identified in a politics of viewing, a principle of opposition in which the citizen spectator is defined as such against the non-citizen performer. Finally, citizenship entails a geometric distribution of authority within the enfranchised community in the form of the privilege to compose praise and invective poetry. Along each of these axes, threnody, comedy, and iambic invective prove instrumental in constituting citizenship by articulating its external antitheses and internal hierarchies. In its confrontation with tragedy, the *Laws* assumes a different posture, employing tragedy's distinctive attributes to appropriate the genre within the text of the dialogue and the city as a genus of performance that is subordinate to,

and appears ultimately derivative of, law and philosophy of law. As inherently unstable artistic and psychological practices, ecstatic and Bacchic dance mark the limit of Magnesia's performance culture, the borders of the city dancing, beyond which performance defies politics. Despite their internal formal and thematic diversity, the common feature shared by each of these genres as it is brought into Plato's second-best city is the near total absence of performance by citizens (the exception is the tragic chorus). In this respect, Plato's reliance on Athenian genres is pointedly anti-Athenian, particularly given the reputation of ancient drama as art performed by and principally for Athenian citizens. Athenian performance culture figures either as an 'other' against which Magnesia's canon is defined, or as a second-rate derivative genre spun off the genre of the law code; it is never a collection of artistic forms that citizens unqualifiedly perform. As is often the case in the *Laws*, ancient institutions are retained in the second-best city, subjected to Plato's 'correct method' of cultural analysis, and refashioned, so that while Magnesia appears on one level reminiscent of the Athenian city-state, its resemblances mask profound departures from customary practice. If Magnesia's performance culture comprises many of the genres that circulated in fourth-century Athens, they are made to signify radical difference.

Importantly, the signifying of difference obtains not only at the level of the text or work of poetry itself, but in the ritual of performance. Throughout this chapter we have approached poetry, song, and dance as social, psychological, and political phenomena, which involve much that is 'outside the text'—scenarios of performance, relationships among performers, spectators, audiences, poets, and judges. The *Laws*' concentration on the social context of artistic production represents a novel feature in Plato's treatment of mimetic art. Much of the *Ion* focuses on the internal, psychological state of the irrational performer; and in the *Republic* such concerns are wedded to an ethics and metaphysics of mimetic art, in which psychological defects in poetic experience are contextualized alongside a critique of the false claims that poetry makes, as well as in respect to an analysis of mimesis as an inherently defective medium incapable of communicating truth. The *Laws*, of course, shares these concerns. But this chapter has shown that Plato's solution resides not in the text of mimetic art, nor even in the psychological states of the performer, but in the careful orchestration of the context of performance—that is, in the manipulation of social relationships among performers, spectators, and poets, framing devices, ritual occasions, and even the national origins of genres and performing troupes. This is not to minimize the significance of the text,

harmonies, rhythms, and words in Plato's assessment of Athenian genres but to suggest that there are more ways than one to correct Athenian performance culture. Censorship need not focus on *logos*; for Plato suggests that the semiotic value of art may be radically rewritten without altering a single word. For Plato in the *Laws*, external features of performance have become constitutive of a genre, enclosing the text and determining its signification. Such is the force of the ritual context of performance that by arranging the social and political dimensions of mimetic art, even the most subversive genres may be rendered not only sweet but beneficial to the city and to human life.

PART III

Gender

5

Women's Statuses in Plato's Laws

NATURE, GENDER, LAW, AND THE PERFORMANCE OF CITIZENSHIP

5.1 Introduction

Among the *Laws*' most original contributions to the history of ancient philosophy, performance theory, and literary criticism is a sustained inquiry into the roles that women play within the city's institutions of poetry, music, song, and dance. Women were a lifelong focus of theorization and a source of anxiety for Plato, as for many of his contemporaries. In *Republic* V, Plato presents the earliest systematic critique of the social and psychological state of women, offering an alternative vision of a political community in which women of the right intellectual disposition are entitled to rule and participate in philosophy. In so doing, Plato reflects the most significant developments in the lives of fourth-century women. Plato, Aristotle, and their contemporaries witnessed improvements in the education afforded to upper-class women, particularly in the fields of poetry, music, and medicine.[1] According to Diogenes Laertius, two women attended Plato's Academy, Lastheneia of Mantinea and the cross-dressing Axiothea of Phlius, a model for apocryphal accounts of conversions of women in early Christianity.[2] Such changes were restricted to women's cultural and intellectual activities, with no appreciable effect on their political or legal standing. Nevertheless, the fifth- and fourth-century emergence of philosophy as critical commentary on prevailing systems of value, concurrent with a democratic politics in which women were central to the flourishing and self-conception of the citizen community and yet alienated from it, led to a problematization of the sociopolitical status of women. By revisiting the question of the social, political, and psychological capacities of women, the *Laws* stands as the end of a literary and philosophical career that did not shy

away from making radical proposals regarding women or from appropriating female voices in the service of philosophy.[3]

Which begs the question: What is the status of women in the *Laws*? In one sense, the answer is familiar territory. A wealth of lively scholarly debate attests to a modern fascination with Plato's 'feminism' and, more generally, with the status of women in ancient philosophy.[4] In a seminal article originally published in the *Times Literary Supplement*, Vlastos makes a case for thinking of Plato as an early precursor to the feminist movement. When discussing Plato's argument that, by virtue of having the same types of souls as men, women should be allotted the same sociopolitical and economic statuses (*Resp*. 5.453e–458e), Vlastos concludes that Plato's position in the *Republic* is "unambiguously feminist."[5] In contrast to women in democratic Athens, the philosopher queens of the *Republic* enjoy rights to education, vocational opportunity, unimpeded social intercourse, legal capacity, sexual choice, and political rights.[6] The right to property is denied to all members of the guardian class regardless of gender, and in this respect the elite women of the *Republic* are no worse off than the men.

In another sense, the question presents a number of vexed interpretive challenges. Treatment of women in the *Laws* is implicated in a fundamental shift and enlargement of horizons in Plato's final dialogue. Whereas the examination in the *Republic* remains relatively concentrated on institutions and education of the ruling class, the *Laws*' purview embraces the realization of virtue throughout the arch of life from birth to death and the many stages in between (1.631b–632d), broaching and legislating a broad range of institutions, political classes, and age groups. Citizens of Magnesia pursue a single, ultimate end—a life of happiness and virtue—but they do so through complex civic institutions, religious practices, and activities, some of which (e.g., the family) are eliminated, others (religious festivals) largely disregarded in the *Republic*. The *Laws*' encyclopedic reach therefore touches on aspects of women's lives that fall beyond the scope of governmental institutions but nonetheless represent crucial sites of philosophical speculation and social (if not political) change in fourth-century Athens. Its commentary on women is at once more condensed (insofar as its prescriptions are presented without lengthy argumentation) and yet more diffuse (both within the text and the ideal city it portrays) than the *Republic*'s.

With rare exception, however, commentators are agreed on a single point: Plato's position in the *Laws* has changed, and that change is for the worse. On Vlastos's reading, the attitude toward women in Magnesia is "a

hybrid, feminist in some respects, antifeminist in others."[7] In an equally seminal article, Annas assesses the 'hybrid' thus:

> . . . when Plato stops believing that the ideal state can be realized, he also stops thinking that women should do the same jobs as men, even in a greatly improved state. In the *Laws* he has abandoned the idea that men and women might be totally devoted to the state as the Guardians were. And the *Republic*'s radical proposals about women lapse. Although women are still educated and forced into public to some extent, this is merely so that they can be controlled, since their potential for virtue is less than men's and they would get up to mischief. . . . The only office they hold seems to be that of organizing a kind of women's moral vigilante group. Otherwise they are left in the position of fourth-century Greek women. They take no part in any political process, they are unable to own or inherit property in their own right, and they are perpetual legal minors always under the authority of male relatives or guardians. Women are married off by their fathers or brothers, and an heiress passes with the property to the nearest male relative, as was the normal Greek practice of the time.[8]

Annas' assessment reflects a widely held view that Plato retreats in the *Laws* from the *Republic*'s most progressive propositions and abandons its arguments for the equal education and political standing of citizen women. With the retention of the private household and traditional institutions of governance, Magnesia would reinstate social stratification according to gender and limit the highest social and civic offices (e.g., the Chorus of Dionysos and Nocturnal Council) to citizen men.[9]

Yet, commentators have universally neglected performance as an index of Plato's broader understanding of women's sociopolitical status and position within the *polis*. Especially in a text that aims to craft ideal citizens from unideal social practices and relies on institutions, such as performance, which were in historical terms less ideologically coded as distinctively masculine in comparison, for example, to institutions of governance, the social and political status of women is unintelligible, apart from their roles in the city's music and poetry. The focus of this chapter and the next is on, respectively, the social and political position of women, and their roles within the city's institutions of performance. These subjects are, of course, interrelated, complementary facets of a single project to reimagine the lives and contributions of women

within a second-best political community. That project is an outgrowth of a larger philosophical project, appearing as early as the fifth book of the *Republic* and perhaps with roots in pre-Platonic Socratic philosophy, to theorize the distinctive qualities, virtues, and vices of women, and to craft for them suitable social and political positions. Plato's treatment of women in performance must therefore be interpreted with reference to Plato's views of gender elsewhere in the Platonic corpus, the distinctive lifestyle crafted for women in the *Laws*, and the complete spectrum of insitutions and activities (e.g., political office, civic associations, family life, as well as the institutions of poetry, music, song, and dance) made available to the citizens of Magnesia. Such concerns outstrip the limits of a single chapter. The present chapter thus surveys the philosophical arguments that Plato marshals in defense of rethinking the sociopolitical status and lifestyles of women, supplying the theoretical backdrop for Chapter 6, which focuses exclusively on women in poetic, musical, song, and dance performance.

This chapter makes two claims. First, to paint with the broadest of brushstrokes, there is in the *Laws* a pattern of (i) retaining (but tempering) the historical subordination of women within legal and political institutions while (ii) undertaking a radical rethinking of the position of women within cultural and social institutions (most notably, education, military, communal dining, and, as we discuss in the next chapter, institutions of performance). Perhaps the most striking manifestation of this stance is the dichotomy between the restricted legal rights available to women in the courtroom, on the one hand, and the establishment of communal dining halls in which citizen men and women live parallel, public lives, on the other. Within this dichotomy, the family occupies a middle ground; it is at once a seminal institution generating patriarchal property rights and legal hierarchies; yet it is weakened by the presence of social and political institutions in which women, by fourth-century standards, would exercise an exceptional degree of autonomy and authority over themselves and citizen men. Second, Plato appears to believe that the philosophical and ethical objectives that lead to improvements in the *political* status of women in the *Republic*, may be fully, if indirectly, addressed by changes in women's *cultural* and *educational* activities in the *Laws*—particularly those that involve the performance of music, poetry, song, and dance. Plato has, in other words, discovered alternative means to the same ends. It is in Magnesia's educational, cultural, and social institutions, that Plato proposes a program of transforming women into public performers of virtue. Although the political and legal statuses of women in government and the household remain subordinated to those of male citizens, through

the cultural and social institutions of the second-best city Plato formulates both a vision of what citizenship for women should mean and a critique of the ethically degenerate, non-performative lives of women in contemporary societies.

A crucial dimension of the lifestyles envisioned for women in the *Laws* rests upon a theory of nature, natural gender, and sexual pleasure. As we observed in Chapter 1, pleasure is treated in the *Laws* as the passional bases for ethical behavior and as the precondition for a society whose performance traditions lead its citizens to live virtuously. Section 5.2 therefore examines Plato's general theoretical approach to gender in the *Laws*, for what it reveals regarding the roles available to women in Magnesia, as well as the civic duties they are expected to fulfill. Section 5.3 focuses on the kinds of virtues Plato expects women to perform. A basic claim maintained throughout the *Laws* is that cities must enable their citizens to live virtuously by participating in ruling and being ruled; this section therefore the degree to which that claim applies to citizen women. Section 5.4 considers in detail the lifestyle and institutions in which Magnesia's women participate; it also examines the arguments which the Athenian Stranger presents to justify radically redesigning women's social and civic contributions. Section 5.5 considers whether Plato in the *Laws* envisions women holding political office.

5.2 'Natural' Heterosexuality

In an important study of women in the *Laws*, Levin argues that Plato's treatment of women is determined by a theory of nature (*physis*). On the basis of that theory, Levin concludes, Plato's "position regarding women's nature in the *Laws* is decidedly more negative than that in the *Republic*."[10] Granted that the *Laws* grounds its discussion of the sociopolitical status of women by reference to *physis* (an regular feature of fourth-century philosophical discourse), a number of passages show contradictory strands of thought informing Plato's assessment of women's nature that make it at once essential and yet problematic with respect to the flourishing of the political community. The first is an erotic strand associated with an instinctive, normative pleasure in heterosexual intercourse and reproduction; the second is an ethical strand, equally innate but conducive to a debilitating reluctance to engage in public discourse and collective activities. Both are, to an important degree, in Plato's estimation, unique to women and treated as malleable, arising from nature but also socially constructed and impressed upon the female *physis*. Plato presents the former as essential to

the well-being of the political community, the latter in need of systematic reformation. Let us treat each in turn.

As is often the case in the *Laws*, Plato's approach to the lifestyles of women is couched as both a rejectionist and immanentist critique of ancient Greek practice. Doric institutions, the Athenian Stranger argues, may foster bravery but have proven deficient in training citizens in the remaining virtues, especially temperance (*sôphrosynê*; 1.630c–e, 1.633c–634c). Megillos ventures that common meals (*syssitia*) and gymnasia produce temperance (*sôphrosynê*, 1.636a), but the Athenian Stranger responds that *syssitia* and gymnasia are also a source of internecine and civil strife (1.636a–b). More problematically, *syssitia* have also been deleterious to the natural development of sexual pleasure. There exists an ancient law regarding "the pleasures associated with sex" (τὰς περὶ τὰ ἀφροδίσια ἡδονάς, 1.636b5–6), a law that applies equally to humans and animals and is established in nature (*physis*; cf. 1.636c4, 1.636c3) but has been corrupted (διεφθαρκέναι, 1.636b6) by Doric athletic and commensal institutions, as well as by its invention of the myth of Ganymede, which grants a divine authority to what Plato regards as unnatural pleasures. In both playful and serious activities, the Athenian Stranger argues:

> [I]t must be understood that when female nature and the nature of males (τῇ θηλείᾳ καὶ τῇ τῶν ἀρρένων φύσει) join in sexual intercourse for the purpose of reproduction (κοινωνίαν ἰούσῃ τῆς γεννήσεως), the pleasure appears to be given according to nature (ἡ περὶ ταῦτα ἡδονὴ κατὰ φύσιν ἀποδεδόσθαι δοκεῖ). But when [the nature] of males joins with males and of females with females [pleasure appears to be given] against nature (ἀρρένων δὲ πρὸς ἄρρενας ἢ θηλειῶν πρὸς θηλείας παρὰ φύσιν). The audacity of those who first practiced it seems to develop from a lack of self-mastery over pleasure (δι' ἀκράτειαν ἡδονῆς). (1.636c1–7)

This passage is the well-known *locus classicus* for a tradition of construing heterosexual pleasure as 'natural' or 'according to nature' (κατὰ φύσιν) and therefore ethically normative, and of treating homoerotic intercourse as 'paranatural' (παρὰ φύσιν), as a perverse deviation from the innate constitution of human nature and the inherent qualities of 'all life' (ζῷον ἅπαν, 1.636e2).[11] Although this passage has been a focal point in the history of ancient sexuality and recently emerged in a controversial, public debate over the ethics of contemporary law and sexual morality in the United States, we sidestep this intractable scholarly debate and stress

the implications of its claims for the ethical lives of women in Plato's second-best city.[12] In Chapter 1 we observed that appropriate pleasure is a precondition for virtue in the *Laws*; while the focus of that chapter concentrated on pleasure in aesthetic perception, 1.636c makes clear that ethically relevant pleasures encompass sexual acts and dispositions as well. Zealously pursued in Sparta and Crete, *gymnastikê* and *syssitia* have unmoored sexual pleasure from procreation, and, the Athenian Stranger argues, misdirected the natural human disposition to enjoy heterosexual intercourse. Although Plato's critique focuses upon the pederastic activities of men, women, too, are implicated in the same notions of natural gender and sexual pleasure. In societies in which women engage in homoerotic activities, in which the nature of females joins with female (θηλειῶν πρὸς θηλείας), they, too, are subject to the effects of 'paranatural' pleasure.[13] In a departure, then, from Wender's influential claim that Plato's aversion to heterosexual consummation and endorsement of homoerotic male intercourse subtend the approach to women in the *Republic*, the *Laws* casts heterosexual pleasure as one key measure by which to determine whether a society fosters appropriate self-regulation.[14] To the degree that Plato's second-best city aims to restore the souls of men and women to a pleasure that is *kata physin*—whether that means, as some have argued, natural and therefore morally obligatory, or, as others claim, instrumentally useful for the natural perpetuation of the state through procreation—the city fosters a compulsory heterosexuality, which, as the next chapter argues, is naturalized through choral performance.

As Moore argues in *Sex and the Second-Best City*, the political and legal statuses of women in the *Laws* remain subsidiary to fundamental features of natural sex.[15] "Sex"—as opposed to "gender"—is Moore's preferred analytical category, both because of its punning pop-cultural resonances and, he claims, because it combines "biological status" and "psychological/social/cultural condition."[16] Indeed, Plato argues for a deep interconnection between natural sex and socially constructed gender, but Plato's point in the critique of Doric "paranatural" pleasure implies a disjuncture between natural sexual pleasure and culturally contrived mores. We therefore prefer the conventional term "gender" to underscore the cultural constructedness and slippery provisional qualities superimposed upon notionally natural sexual categories. Gender, in other words, encompasses and problematizes biological sex. Moreover, the manner in which natural sex is overridden (and over-written) by performative practices is precisely the problem that Plato confronts in designing a lifestyle for women. The *Laws*, Moore is right to recognize, would employ a

"specifically engineered language" and "performative models for imitation" to encourage citizens to adhere to specific gender roles and ethical identities.[17] Yet, drawing too sharp (and anachronistic) a distinction between Plato's understanding of intrinsic human nature and socially constructed behaviors in the *Laws* must be resisted. At the base of such engineered language and performative modeling lies a theory of nature that treats the social norms in the second-best city as innate, and therefore normative, epiphenomena of the (female) *physis*. One of the programs in the *Laws* is to fashion a community of women for whom law and heterosexual inclination are interconnected, whose social institutions promote a concept of gender that conforms with what Plato regards as a natural substrate of heterosexual pleasure.

'Paranatural' homoerotic pleasure metastasizes within two areas of human experience: mythological discourse and the internal hedonic orientation of the individual human psyche. Of the two, myths, the Athenian Stranger insists, are of secondary importance. More troubling are occasions in which mythological discourse finds its correlate in psychological habits. Although sexual pleasure is an indelible element of human nature, this does not mean that they cannot be altered. Rather, pleasure and pain may are shaped by a society's institutions, myths, and cultural norms, and may therefore accord to a greater or lesser extent with the nature of the human being:

> These two springs [i.e., pleasure and pain] have been allowed to flow by nature (πηγαὶ μεθεῖνται φύσει ῥεῖν); he who draws from them where, when, and as much as he must is happy (*or* flourishes, εὐδαιμονεῖ); this is the same for cities, private individuals, and all of living beings (καὶ πόλις ὁμοίως καὶ ἰδιώτης καὶ ζῷον ἅπαν). But he [who draws on them] ignorantly and at the wrong time (καὶ ἐκτὸς τῶν καιρῶν) suffers the opposite kind of life (τἀναντία ἂν ἐκείνῳ ζῴη.) (1.636d7–e3)

An immediate, causal relationship is thus established between a society's myths, the overriding pleasure principle of its citizens, and its structures of the political organization. England is right to observe that the Athenian Stranger makes a general, programmatic claim regarding the dialectical relationship between nature and law or custom: "[n]ature provides the raw material in the form of the emotions of pleasure and pain; the educator of states and individual moulds it by the habits which his laws and institutions induce."[18] Spartan and Cretan gymnasia and rituals of commensality ultimately undermine the flourishing of Doric communities by redirecting instinctive human sexual pleasure from its natural procreative function. Dover observes that in

the earlier dialogues "it is taken for granted that [the] *eros* which is significant as a step towards the world of Being is homosexual," but that that *eros* remains physically unconsummated.[19] Thus, in the *Phaedrus*, the consummation of homoerotic desire strengthens the lower, irrational parts of the soul, inhibits the development of reason, and leaves the soul ill-equipped for its journey after death (*Phdr*. 250e–251a, 253d–254e). The dangers of the body's impulses are not unique to homoerotic love; any disembodied soul, once committed too dearly to *ta aphrodisia*, is weighed down upon death by residual corporeality (*Phd*. 81a–83d).[20] But in the *Laws, ta aprhodisia* are not only consummated exclusively in heterosexual copulation; they are also construed as ethically appropriate pleasures. As 1.636d–e suggests, individual and communal happiness depends on what Plato portrays as the natural enjoyment of heterosexual coupling. This is not to imply that Plato abandons homoerotic relationships as a model of male homosocial interaction. Desexualized pederastic institutions remain central to the state, and it is telling in this respect that the Chorus of Dionysos and the Nocturnal Council, Magnesia's principal cultural and political institutions, are modeled as de-homoeroticized versions of Cretan and Spartan *syssitia*.[21] Rather, the foundational hedonic relationships in Magnesia, especially those that affect the lives of women, are heterosexual.

Nussbaum argues that "[i]n dialogues as diverse in date as *Gorgias, Republic*, and *Philebus*, [Plato] shows himself to be resolutely opposed to . . . appeals to the animal kingdom, on the grounds that they would establish norms for an ethical thinking creature by appeal to the behavior of a nonthinking creature."[22] Although early and middle dialogues may denigrate heterosexual intercourse as philosophically infertile, Plato in the *Laws* and elsewhere appears to have lost the resolution Nussbaum attributes to him; in dialogue after dialogue he grounds the normativity of natural heterosexuality precisely by appeal to the animal kingdom. The language of 1.636d–e relies explicitly on a theory of procreative pleasure developed in the *Timaeus*, in which the physiology of male sexual anatomy and the womb are analogized to insentient forms of life; and it will be necessary to digress momentarily and consider that dialogue to understand the biological theory that subtends the lives of women in Magnesia. Because the marrow is 'animate' (ἔμψυχος), Plato claims, and has respiration, it implants in the body "a living desire for emission" (τῆς ἐκροῆς ζωτικὴν ἐπιθυμίαν) and "an erotic longing to reproduce" (τοῦ γεννᾶν ἔρωτα, *Tm*. 91b2–4). Hence there develops 'disobedience' (ἀπειθές) and 'autonomy' (αὐτοκρατές) in the male sexual organ, and it, 'like an animal' (οἷον ζῷον), which is deaf to reason, 'attempts to dominate (κρατεῖν) all things

because of its raging desires (ἐπιθυμίας)' (*Tm*. 91b5–7). In women, wombs, which Plato likens to a "living animal within that is desirous of baby-making" (ζῷον ἐπιθυμητικὸν ἐνὸν τῆς παιδοποιίας), suffer violent irritation and begin 'wandering' (πλανώμενον) throughout the body, causing blockage and throwing the body into discomfort, "until the desire and the erotic longing of each [i.e., male and female natures] bring them together" (μέχριπερ ἂν ἑκατέρων ἡ ἐπιθυμία καὶ ὁ ἔρως συναγαγόντες, *Tm*. 91c7–d1). Although the "living desire for emission" (τῆς ἐκροῆς ζωτικὴν ἐπιθυμίαν) and the 'sexual love of reproduction' (τοῦ γεννᾶν ἔρωτα) exist in the fundamental nature of men and women and are manifested in their respective reproductive anatomies, they lead to distinct social and sexual behaviors.[23] The desire to emit and the *erôs* to reproduce cause male genital organs to behave as raging beasts, self-willed and disobedient, seeking to dominate all through penetration and insemination; in females, the same desires generate not a will to power but a longing to be impregnated.

In an influential reading of *Timaeus* 91, Halperin claims that Plato appears to argue that homoerotic sex is not a violation of male sexual nature in the same way that it is for women.[24] Male sexual desire may be satiated by ejaculation and domination over males and females; it is independent of procreation and can be decoupled from heterosexual sex. In women, the same impetus is satisfied only through impregnation. Natural female sexual pleasure thus depends on, and is inseparable from, heterosexual sex. The *Timaeus*'s treatment of female sexual pleasure, Halperin observes, is factually incorrect insofar as it fails to acknowledge that neither female sexual desire nor satisfaction aims solely at reproduction. Indeed, Halperin suggests, it is more problematic to decouple male sexual pleasure from procreation, since the ability to separate genital pleasure from reproduction is characteristic of female physiology: the "interdependence of sexual and reproductive capacities is . . . a feature of male, not female, physiology. . . . [I]t is only in men, not women, that reproduction depends on desire and that reproductive function cannot be isolated from pleasure . . . , whereas in women orgasm and reproduction are entirely independent. . . ."[25] For Halperin, *Timaeus* 91 points to a strategy in Plato to commandeer for philosophy abilities that belong (or were thought to belong) solely to females (e.g., the interconnection of sexual desire, procreation, and pleasure in penetration), a strategy that itself is symptomatic of a larger "cultural politics of gender" and informed by the "determination of men to acquire the powers they ascribe (whether correctly or incorrectly) to women."[26]

This is not the occasion to contest Halperin's claim that the *Timaeus* (or the *Symposium*, Halperin's primary concern) appropriates for philosophy (an

exclusively masculine and therefore sterile intellectual activity) the pleasure in fertility that Plato construes as innately feminine.[27] (However, the suggestion that heterosexual intercourse, ejaculation, and procreation for men cannot be decoupled from desire and pleasure is strained. (One is reminded of Milton's plea to legalize divorce and his screed against the doctrine of marriage, the doctrine "that to grind in the mill of a servile and undelighted copulation must be the only forced work of a Christian marriage, oftentimes with such a yoke fellow, from whom both love and peace, both nature and religion mourns to be separated."[28] No matter how servile and undelighted such forced work may have been, it did not prevent Milton from fathering several children (just as law and doctrine did not slow his rate of divorce).) Yet, it is tendentious to construe the *Timaeus* as arguing that impregnation is the end of female, not male, sexual pleasure and desire. The principle argument of *Timaeus* 91b–d is to assert that male and female sexual natures are both organized for reproduction; both suffer pathologies until they reach their complementary ends. Male genital unruliness and the wish to dominate all through penetration are behaviors that emerge precisely because the male organs are not satisfying what Plato portrays as their natural procreative desires. Women agonize and their wombs wander if they remain childless; they experience a greater degree and variety of illnesses than men, but the erotic desire and love of both (ἑκατέρων ἡ ἐπιθυμία καὶ ὁ ἔρως) drives men and women into the act of procreation and reproduction (γένεσις).

To return to the *Laws*, if, as the *Timaeus* suggests, Plato believes that for both men and women erotic desire and genital pleasure are naturally and teleologically conjoined to and fulfilled in heterosexual procreation, we may draw two conclusions. First, for Plato, heterosexual intercourse is natural by virtue of its being instinctive to a bodily function—reproduction—and, second, consummated homoerotic intercourse is paranatural insofar as it involves a misapplication of the body's procreative potential. There is, in other words, a hierarchy of sexual activities and desires, at the pinnacle of which stands unconsummated homoerotic desire, which begins with recognition of beauty of the body, leads to contemplation of beauty and the forms, and ultimately guides lovers to philosophical progress and genuine psychic fertility. Heterosexual reproduction occupies a middle territory as at once natural to and expressive of the body's innate generative function, but irrational and philosophically fruitless. Consummated homoerotic intercourse represents a paranatural dereliction of the body's instinctual propensity to reproduce and achieve immortality through the generation of other bodies, *and* of the soul's

natural appreciation of absolute beauty. The hierarchy of 'natural' sexual pleasures allows Plato to construe heterosexual intercourse as necessary on ethical as well as prudential grounds. In the prelude to the law of marriage, Plato revisits the innate desire for immortality, portraying it as the justification for the obligation to wed and produce offspring. To the degree that the human race "naturally participates in immortality" (φύσει τινὶ μετείληφεν ἀθανασίας), and experiences a 'desire' (ἐπιθυμίαν) to live eternally, the prelude enjoins all citizens to reproduce; for it is "by procreation [that the human race] participates in immortality" (γενέσει τῆς ἀθανασίας μετειληφέναι, 4.721b8–c6). Heterosexual desire and the pleasure by which it is accompanied are thus given transtemporal dimensions; by reproduing, the human race attains a somatic analogue to the immortality of the soul. In other words, for Plato of the *Laws*, the *erôs* that is significant as a step toward the world of Being is heteroerotic.

The *Laws* is not the first instance in which Plato defines sexual reproduction as a corporeal analogue to the soul's desire for immortality. Diotima classifies heterosexual desire as a bodily phenomenon, an impetus shared by all organic life that is designed for and consummated in physical procreation; humans pursue heterosexual pleasure and procreation precisely because we are composite beings, souls encased in bodies, and therefore beholden to the demands of both *psychê* and *sôma* (*Smp*. 208e–209a). The desire to beget expressive of the body's longing for immortality and emerges in persons who are 'pregnant in body' (ἐγκύμονες . . . κατὰ τὰ σώματα, *Smp*. 208e2). Here an important distinction is drawn in respect to animals: humans are capable of appreciating, desiring, and begetting from the Form of Beauty, and we must therefore reject heterosexual reproduction as a model of erotic attraction. But in the *Laws* the natural functions and impetuses of the body, which appear devalued in comparison to homoerotic desires in the *Symposium*, re-emerge as the principal logic of the citizens' procreative responsibilities. Because heterosexual pleasure in procreation is a universal quality of animal life and because the project of the *Laws* is to develop institutions that accord with human *physis*, Magnesia's law code fosters the innate disposition to enjoy heterosexual coupling and reproduction.

That a return to natural, and therefore normative, reproductive heterosexuality is the stated aim of the law code appears most clearly in the justification for laws that prohibit unsanctioned ejaculation—that is, masturbation, homoerotic sexual intercourse, and copulation with inappropriate partners (8.838e–839d). As is 'natural' (κατὰ φύσιν, 8.838e6), the Athenian Stranger insists, law must promote "[sexual] intercourse [exclusively] for the

production of children" (τῇ τῆς παιδογονίας συνουσίᾳ, 8.838e6). The male must 'abstain from the male (ἄρρενος ἀπεχομένους, 8.838e7) and from expending sperm 'where it will never take root and produce natural offspring' (8.839a1). Nor should men be permitted to gain access to any 'female field' (ἀρούρας θηλείας, 8.839a2) in which they do not or should not intend to have lawful offspring. If this law takes hold permanently, the Athenian Stranger argues, it will have the benefit of not only being 'natural' (κατὰ φύσιν); it will also prevent 'erotic frenzy and madness' (λύττης δὲ ἐρωτικῆς καὶ μανίας), adultery, excessive drinking and eating, and it "will make men familiar with and dear to their own wives" (γυναιξί τε αὑτῶν οἰκείους εἶναι φίλους, 8.838e6–839b1).[29] Once again, Plato invokes the dictates of nature, expanding on the earlier treatment in the *Timaeus* to enumerate secondary, prudential benefits (notably conjugal amity) derived from 'natural' sexual regulation.[30]

As 'natural' as Magnesia's sexual and marital regulations are presented as being, the Athenian Stranger and the interlocutors remain unconvinced that anyone will be persuaded to abstain by the law's theoretical justification (8.839c–840c). Young men, especially those 'replete with sperm' (πολλοῦ σπέρματος μεστός, 8.839b), will hardly believe that sexual regulation is possible (or desirable), and the regime of abstinence will prove even more unstable if the citizens should meet and be corrupted by Greeks and barbarians who pay homage to 'disorderly Aphrodite' (ἄτακτον Ἀφροδίτην, 8.840e4). Plato's response is to propose a twofold law, one that articulates the ideal but acknowledges fallibility. The ideal is a society protected by reverence for the gods, love of honor, and "the desire not of bodies but of the beautiful characteristics of souls" (τὸ μὴ τῶν σωμάτων ἀλλὰ τῶν τρόπων τῆς ψυχῆς ὄντων καλῶν γεγονὸς ἐν ἐπιθυμίᾳ, 8.841d4–7). Since that cannot be assured, the twofold law is as follows:

> We should enforce one of two [requirements] regarding erotic matters (περὶ ἐρωτικῶν). Either no one is to dare to touch any well-born and free person except the woman who is his wife, and no one is to sow unhallowed, bastard sperm in concubines or go against nature and sow sterile seed in males (ἄθυτα δὲ παλλακῶν σπέρματα καὶ νόθα μὴ σπείρειν, μηδὲ ἄγονα ἀρρένων παρὰ φύσιν); or we should abolish the [sowing of seed in] males altogether (τὸ μὲν τῶν ἀρρένων πάμπαν ἀφελοίμεθ' ἄν), and in the case of women, if anyone should have intercourse with a woman other than those who enter his house with sanction of the gods and the sacred marriage ceremonies, whether they be purchased or secured in any other way, and fails to escape the notice of all men and women, we would probably seem to be legislating correctly if we

> legislated that he should be divested of all honors in the city (*or* 'disenfranchised': ἄτιμον) on the grounds that he is really alien (ξενικόν). (8.841d–e)

The basic distinction between the two versions of the law is that, whereas the first confines all sexual acts to reproduction in the family, the second tacitly acknowledges the possibility of philosophical failure and makes provision for discrete extramarital, heterosexual liaisons; in both cases, homoerotic sexual intercourse is outlawed for men and women. The Athenian Stranger appears optimistic that heterosexual desire, like incestuous attraction, may be controlled through the influence of law, custom, and other persuasive media; hence the alternative legal code whereby all citizens, under the threat of symbolic disenfranchisement and exile (ἄτιμον, ξενικόν), will maintain the appearance of sexual temperance. Public disgrace enforces both sides of the twofold law; citizens will be taught that those who have 'corrupted their own natures' (τοὺς τὰς φύσεις διεφθαρμένους, 8.840b6) and cannot withstand sexual desire or are caught *in flagrante* are 'weaker than themselves' (ἥττους αὑτῶν, 8.840b6) and inferior even to wild animals and birds that abstain from intercourse until becoming permanently coupled (8.840c–841c).

If both the primary law and its 'out clause' in the second prohibit homoerotic intercourse, both appear to allow (or at least not forbid) unconsummated homoerotic and homosocial relationships (presumably of the sort that Socrates advocates in the *Symposium, Phaedrus*, and *Republic*). Erotic desire (ἐπιθυμίᾳ) in its purest, unconsummated form takes the beautiful qualities of the soul (τῶν τρόπων τῆς ψυχῆς ὄντων καλῶν) as its object. It is also implied that, in Dover's words, "any investment of energy and emotion in the pursuit of an inferior end vitiates the soul's capacity to pursue a superior end."[31] The law echoes the *Republic*'s claim that sexual pleasure is the keenest and most conducive to insanity, but the 'right love' (ὀρθὸς ἔρως, *Resp*. 3.403a7) is a temperate and harmonious love of order and beauty (cf. *Resp*. 3.403a–c). The city in the *Republic* therefore allows the *erastês* to kiss, touch, and spend time with his *paidika* as a father would with a son, if he can persuade the beloved boy to allow it, but neither must ever (seem to) go any further, since doing so would lead to sexual *mania* and incur "blame for lack of musical cultivation and ignorance of the beautiful" (ψόγον ἀμουσίας καὶ ἀπειροκαλίας, *Resp*. 3.403c1). Again, the *Laws* shows Plato repackaging claims for which earlier dialogues supply a more elaborate philosophical justification.

The naturalistic framework establishes the boundaries of appropriate sexual activity for heterosexual and homoerotic intercourse. Gendered norms

and institutions proposed in the *Laws*—especially those of or arising from marriage—are presented to the interlocutors, citizens of Magnesia, and readers as natural and heterosexual. Procreation beyond approved heterosexual relationships is treated, like homoerotic intercourse, as paranatural (παρὰ φύσιν). In this context we may only gesture to the conclusions reached in the next chapter; but if sexual norms, as the case of Doric gymnasia demonstrates, find their way into poetic and mythological traditions, it is also by performance that Plato proposes to naturalize natural heterosexuality; and this will have direct implications for the kinds of lives the women of Magnesia may live, the pleasures they may enjoy, and the choices they may make.

5.3 Transgendered Virtues and the Social Contract

The Athenian Stranger's criticisms of Doric gymnasia and *syssitia* offend Megillos, and he excoriates Athens for the licentiousness fostered by its drunken revelries, symposia, and Dionysiac festivals. In Dionysos, Megillos claims, Athens has invented its own mythological 'pretext' (πρόφασιν, 1.637b2) to justify its slack morals. Anyone in Sparta caught in the Athenian mode intoxicated in public would be subject to summary punishment (1.636e–637b). The Athenian Stranger responds by acknowledging that morals in Athens have become particularly 'loose' (ἀνεῖνται)—a metaphor that anticipates the discussion of the soul as divine marionette—and that its lack of 'endurance' (καρτερήσεις) has caused Dionysian festivals to become especially 'unintelligent' (βλακικώτερα, 1.637b7–c1). Yet, Sparta is no less faulty. Its particular vice with respect to women is that the militant rigors endured by Spartan males coincide with an equally corrosive 'slackening' or 'permissiveness' (ἄνεσιν) in the lives of women (1.637c2). Such criticism is familiar from the *Republic*, in which Socrates argues that the timocratic state couples public restraint on the part of elite men with private corruption in the family, a condition best exemplified by the luxurious behavior of elite Spartan women (*Resp*. 548b–c).[32] It is not enough, then, to impose a regime of heterosexual pleasure upon men and women. Masculine and feminine social norms and ethical behaviors are interconnected, and neither can be left unregulated without affecting the other. Sparta's distinctive fault is that it contains a hyper-militant and homoerotic community of male citizens and a slack, feminine decadence. Spartan women are allowed to behave as Athenian men; both suffer from moral looseness. Rather than expelling *anesis* from its community, Sparta has tolerated luxury in its female population. Sparta's unique weaknesses therefore emerge from the twofold vice of allowing men to cultivate paranatural sexual

pleasure and differentiating, on the level of institution, lifestyle, and gender, between the behaviors and lifestyles of citizen men and women. In this sense, it is inaccurate to construe Sparta, as Megillos does, as an anti-Athens. Rather Sparta, Athens, and, as we discuss below, Sicily, and Thrace represent archetypes of gendered behavior that are all in some form vitiated.

Because its men and women cultivate distinct notions of pleasure and develop different ethical habits, Sparta violates a basic principle that recurs throughout Plato's treatment of women in the *Laws*: the principle that all citizens, irrespective of gender or any other factor of social distinction, share a single, common end, namely, the life of happiness and virtue (the two are inseparable for Plato). This, Plato insists, is stipulated in the foundational 'agreement' or 'contract' (συγχώρησις, 7.770c7) between legislators and citizens:

> [The contract states that] in whatever way one might become a good man (ἀνὴρ ἀγαθός), possessing the virtue of soul that befits a human being (τὴν ἀνθρώπῳ προσήκουσαν ἀρετὴν τῆς ψυχῆς)—whether this be as a result of some practice, or some habituation, or some possession, or desire, or opinion, or certain things learned at some time, whether the nature of the residents be male or female, young or old (εἴτε ἄρρην τις τῶν συνοικούντων οὖσα ἡ φύσις εἴτε θήλεια, νέων ἢ γερόντων)—toward this, which we are describing, every serious effort will be made throughout the whole of life. No one of any sort is to be seen giving precedence in honor to any of the other things that are impediments, not even, finally, to the city, if it appears necessary that the alternative to its destruction is either willingly tolerating the slavish yoke of being ruled by worse men or departing from the city in exile. All such things must be borne, and suffered, rather than allowing the constitution to be changed into one whose nature is to make human beings worse (ἀλλάξασθαι πολιτείαν ἢ χείρους ἀνθρώπους πέφυκε ποιεῖν). (6.770c7–e6)[33]

Two claims in this passage subtend the social and political status of citizens women in Magnesia: that all citizens must pursue virtue and that the purpose of political activity is to enable the citizen to do so. Both claims, as Bobonich argues, are among the definitive doctrines of classical political philosophy, which endorses two propositions: (i) 'the end of the laws is that the citizens lead happy and thus virtuous lives,' and (ii) 'a citizen must be capable of sharing in the end of the city's laws and thus of living a virtuous and happy life.'[34]

Plato assumes that virtue is universal despite its manifestation in a variety of practices and agents; and he is committed to a conception of moral excellence as the end of human and political activity irrespective of the gender, age, or social class of the citizen.[35] This is not to imply that all citizens must demonstrate the same degree of moral excellence at all times and in all manners; children, for example, cannot be expected to be as wise as their elders or as brave, while slaves and non-citizens seem to lack any capacity for virtue whatsoever. But just as men's and women's sub-rational experiences of erotic pleasure and pain are treated as essentially undifferentiated and naturally oriented toward reproduction, the virtues of women are indistinguishable from those of the male citizen. Plato therefore rules out, for example, Aristotle's claim that virtues must be particularized according to gender, and that the courage, temperance, and justice of men are fundamentally unlike the courage, temperance, and justice of women (*Pol*. 1260a9–b24). Aristotle argues that the female (*to thêlu*) naturally has a deliberative faculty but that it is lacking in authority (*akuron*), and that women must therefore be ruled and must not share in ruling. Yet, as we discuss in more detail below, this is the ethical condition of women in Greek society *against* which the *Laws* argues and which it seeks to correct, even as it retains the social and political institutions that make such a condition possible. The *Laws*, in other words, undermines the philosophical grounds for the social and political condition of women that the *Politics* rationalizes.

Of course, Plato's primary concern in 6.770c–e is the virtue of men (ἀνήρ); the compact (συγχώρησις) between legislator and citizen presupposes the male citizen as its subject and primary contractor. Yet, the rhetoric of the passage moves incrementally and, we submit, programmatically, from narrowly masculine to inclusively universal concerns, from a focus on the ἀνὴρ ἀγαθός to a generalized conception of human virtues (ἀνθρώπῳ προσήκουσ αν ἀρετήν, ἀνθρώπους) regardless of age and sex; and the implication is that a political community that limits or retards the moral development of its citizens, including its women, fails to live up to the standards of the most basic political agreement and the most foundational principles of ancient political philosophy. On the most rigorous reading of this passage, the constitution that by design or negligence transforms women into worse human beings (χείρους ἀνθρώπους)—and the term ἀνθρώπους is emphatically inclusive and gender-neutral—is subject to dissolution; and this includes not only Athens, but Sparta as well.

What Plato does not argue in this passage, however, is that women must participate in political rule or instantiate virtue to the same degree

and in the same civic and social institutions. The Athenian Stranger suggests merely that the virtues of women are the same as the virtues of men, and that they must be cultivated accordingly for the city to flourish and for its constitution to be considered legitimate. Yet, a main tenet of ancient political philosophy, which, as we have observed, the *Laws* endorses, insists that sharing in self-governance is a precondition for virtue; the citizen must know how to rule and be ruled with justice. In subsequent sections we discuss Plato's struggling with the recognition that by curtailing the social and civic institutions in which women may participate, any city, including Magnesia, inevitably compromises their potential for virtues.

*5.4 Natural Correction: Feasting, Warfare, Schooling, and the 'Trope of Life' (*tropos tou biou*)*

In a passage too lengthy to be quoted in full, the Athenian Stranger makes what he and his interlocutors regard as an extraordinary proposal: institutions of communal dining (*syssitia*) for women as well as men. Women must be included in Magnesia's Doric-style *syssitia* as part of a program to subject their lifestyles to legal regulation (6.780d–781d, cf. 7.804d–806c), since, it is argued, 'female nature' (θήλεια . . . φύσις) is "inferior with respect to virtue by comparison to male nature" (πρὸς ἀρετὴν χείρων τῆς τῶν ἀρρένων, 6.781b2–3); and, as a consequence, women are more susceptible to moral corruption. Because of its 'weakness' (τὸ ἀσθενές) and the failure on the part of the 'legislator' (νομοθέτου) to regulate the private lives of women, the 'female race' (γένος . . . τὸ θῆλυ) has become 'more secretive and cunning' (λαθραιότερον . . . ἐπικλοπώτερον, 6.781a3–4). The ethical shortcomings of women, moreover, have had a disproportionate effect on the city's well-being, since to the degree that 'female nature is in our opinion inferior to that of the males as regards virtue (ὅσῳ δὲ ἡ θήλεια ἡμῖν φύσις ἐστὶ πρὸς ἀρετὴν χείρων τῆς τῶν ἀρρένων), by so much would the harm approach being more than double' (781b3–4). Plato's solution to such deficiencies in women's nature is to legislate that the lifestyles of women must be the same as of men. Every 'practice' (ἐπιτηδεύματα) must be shared 'in common' (κοινῇ) with men and women, the Athenian Stranger (6.781b4–6) and women must be forced to participate in communal dining halls (*syssitia*, 6.762c–e, 6.780a, 6.780b–c).

It is perhaps tempting to attribute the apprehension betrayed by the interlocutors regarding the feasibility of such proposals to a recognition on Plato's part that communal dining halls for women would create alternative

organizations that challenge the structure of the traditional, patriarchal family and in which the female population is no longer subject to direct male supervision. Yet, the strongest resistance, the Athenian Stranger suggests, will come from women themselves:

> How then, without being laughed at, will someone attempt in deed to force women to take their food and drink in the open, where they can be clearly seen (γυναῖκας προσβιάζεσθαι τὴν σίτων καὶ ποτῶν ἀνάλωσιν φανερὰν θεωρεῖσθαι)? There is nothing that would be harder for this race of women to bear, for it is habituated in a retired, indoor way of life (εἰθισμένον γὰρ δεδυκὸς καὶ σκοτεινὸν ζῆν); it will use every means to resist being dragged by force into the light (ἀγόμενον δ' εἰς φῶς βίᾳ πᾶσαν ἀντίτασιν ἀντιτεῖνον), and will prove much superior to the legislator. Thus, anywhere else, as I said, they would not tolerate the utterance of the correct argument without much screaming, but perhaps they would here [i.e., in Crete]. (6.781c2–d3)

Criticism of the purported secretiveness of women is a common theme in ancient Greek literature, and Plato elsewhere suggests that women will resist other forms of legislation.[36] The claim that women have inferior natures with respect to virtue, are inclined to secrecy, and live ethically impoverished lives has led some commentators to conclude that such misgivings regarding female *physis* undermine and put constraints on the *Laws*' avowed project of producing a population of equally educated and virtuous citizen men and women who share in the same kinds of institutions.[37] But committed is Plato to the claim that women would prefer lives of secrecy and moral depravity to lives of civic valor? Bobonich attempts to circumscribe the scope of Plato's criticisms to contemporary, typically uneducated women in Greek society; by women who are inferior, Bobonich argues, Plato means to refer to the women whose lifestyles Magnesia's cultural system is designed to rectify.[38] Yet, nothing in the text limits Plato's target to contemporary women. On the contrary, the Athenian Stranger appears to make broad, general statements regarding female nature as such; and his claims are familiar from earlier dialogues, echoing an argument, for instance, in the *Republic* that, although women possess the same types of souls as men, they are in all respects weaker, and their contributions to the city will be correspondingly less substantial (*Resp*. 5.455a–457d). Levin has argued that in the *Republic* "the souls' powers are not determined by the sex of the body in which it is encased,"

but Plato insists in the *Timaeus* (41e, 42b, and 90e) and suggests in the *Laws* (12.944d) that reincarnation into the body of a women renders one more prone to acts of cowardice and injustice, just as rebirth as a fish or mussel, the punishment for profound stupidity, makes it unlikely that one will demonstrate the intellectual capacity necessary to reclaim human form.[39] Perhaps, then, Plato's decision to advocate the establishment of women's *syssitia* is motivated by misogynistic sentiment; that is, perhaps the inclusion of women in institutions of public feasting is designed to counteract a nominally feminine characteristic that aroused in the author feelings of gendered disgust. We might thus detect a recurrence of the 'virulently anti-feminist' stance that, as we observed above, Vlastos argues, is characteristic of Plato's attitude in the *Republic* with respect to contemporary women.

It is, however, at the very least deeply problematic to identify the arguments presented in the voice and from the subject position of a fictional character with an author's personal beliefs. In this context in particular it is absolutely essential to attend to the literary qualities—and especially to the Hesiodic resonances—of the arguments presented by the Athenian Stranger. In *Works and Days*, Zeus commands Hermes to bestow on Pandora a "shameless mind and a thievish nature" (κύνεόν τε νόον καὶ ἐπίκλοπον ἦθος, *Erg*. 67, cf. 78).[40] The verbal parallelisms cannot be accidental; an important subtext in 6.780d–781b is an intertextual engagement with and, I suggest, correction to, a Hesiodic model of the female. While Plato adopts Hesiod's characterization of the female as secretive and shameless, the assumptions underpinning and conclusions reached by his argument run in many respects counter to the *Works and Days*. In the *Laws*, the shameless and thievish nature of women is not a divinely chartered, indelible dimension of female nature; it is rather a result of a combination of natural factors, such as comparative lack of strength (and it is unclear whether τὸ ἀσθενές refers to physical, intellectual, or moral powers), and historical convention—specifically, the failure on the part of legislators to regulate their lifestyles. In other words, institutionalized habits affect human nature; and there is a sense in the *Laws* that *physis* is inherently fictile, naturally predisposed to being socially constructed.

The Hesiodic subtext is a reminder that the *Laws* is a dramatic dialogue, and the arguments it presents are couched in and directed toward the cultural expectations of the fictional characters and the ethnic, gendered, and political groups and beliefs they represent. Perhaps, then, the argument should be read situationally and rhetorically as a *captatio benevolentiae* targeted explicitly to the traditionalist interlocutors and indirectly to Plato's readership,

which aims to persuade both internal and external audiences by appealing to and playing misogynistic bias against misogynistic bias—a strategy, *mutatis mutandis*, employed elsewhere in the *Laws*, for instance, to justify the introduction of preludes to the laws, another proposal that is presented as radical and liable to be met with resistance.[41] Because slavery is rejected as an appropriate model of political rule and mode of speech, and because it is servile to address the citizen with a bare command, devoid of any persuasive discourse, it is incumbent upon legislators, the Athenian Stranger argues, to explain the rationality of law to the citizens and to address the citizens in a manner that respect their status as free. Preludes to the laws provide the vehicle for legislators to do so. The Athenian Stranger thus invokes shared cultural prejudices and anxieties regarding symbols of slavery and servility to convince his interlocutors (and, we may presume, the readers of the *Laws*) of the necessity of preludes to ensure the liberty of the citizen population. Perhaps the argument for women's *syssitia* should be read in an analogous manner as couching the proposal to admit women to the *syssistia* in decidedly misogynistic rhetoric so that the anticipated female opposition paradoxically encourages Megillos and Kleinias (and the fourth-century, laconizing readership) to accept the institutions required to change the lives of women. By suggesting that women, secretive and duplicitous by habit, would be reluctant to live in the light of day, the Athenian Stranger coaxes the interlocutors (and Plato the readers) to rethink and correct female behaviors.

The interpretation thus depends on (our reading of) the rhetorical tenor of Plato's argument. If we take Plato to believe that women will resist extraction from the private household, Platonic antifeminism and misogyny appear to subtend one of the most progressive ancient reconsiderations of the lives of women. If we interpret the dialogues as situational, calibrated to persuade internal and external audiences, the exchange reads as a subtle argument in favor of radical changes to the lives of women directed to the interlocutors and to readers who might be suspicious of the possibility or desirability of such changes. Of course, nothing forbids both being true at once. Nothing prevents Plato's being a misogynist and (therefore) knowing how to manipulate misogynist sentiment against itself. What is clear, however, is that Plato treats *syssitia* for women as a rejection of Athenian *and* Spartan custom. In contrast to the Athenian practice of secluding citizen wives and daughters in the household, the institution would coerce women to leave the *oikos*, form lifelong, homosocial groups, and be integrated within the *polis* community, while simultanously imposing upon their affairs a rigorous, military orderliness missing from the slack lifestyles of Spartan women.

In its immediate context, Plato's arguments for the inclusion of women in the *syssitia* are presented as prudential; a virtuous female citizen population, as opposed to the status quo of allowing women to live secreted and morally deficient lives, is a superior condition for the city as a whole. More generally, however, the discussion of *syssitia* represents an initial foray into a larger conceptualization of a lifestyle for citizen women, a lifestyle that takes shape within the city's educational and military systems, informs the structure of their social institutions, and is designed to counteract the ethical weakness diagnosed above. Some commentators have questioned the sincerity and comprehensiveness of Plato's insistence that women be educated in the first place and subsequently integrated into the city's musical, religious, and political culture.[42] The objection is central to the questions explored in this chapter and the next; women's performances commence in the educational system, and uncertainties on this point therefore cast doubt on the claim that *mousikê* operates as kind of enfranchisement for citizen women in Magnesia and that their integration within the city's performance culture parallels the processes of acculturation undergone by the citizen men. Reasons to doubt appear in the passage that first proposes an educational system for boys and girls. After boys and girls have reached the age of six, they are separated by sex (*genos*):

> Males must go to instructors of riding, archery, javelin-throwing and slinging—and females too, if they agree, at least as far as the lessons, especially those most pertaining to the use of weapons (ἐὰν δή πῃ συγχωρῶσιν, μέχρι γε μαθήσεως καὶ τὰ θήλεα, καὶ δὴ τά γε μάλιστα πρὸς τὴν τῶν ὅπλων χρείαν). (7.794c6–d2)

Boys must, the Athenian Stranger suggests, undertake a full range of rigorous athletic training, whereas girls are permitted to attend some, but presumably not all, of the lessons; they may, it appears, forego military training should they wish to do so. Commentators have discovered in this passage support for the view that Plato's educational program and the entire cultural system of which it is part are designed primarily for men, and that women in politics, culture, and education are secondary and second-class citizens.[43] Yet, how much permissiveness does the final conditional allow? Since *mathêsis* is a capacious term that encompasses all forms of education, not just martial, does Plato imply that women may abstain from lessons of all kinds (music included) or simply those that involve the use of weapons? At the very least, here we would seem to have a subtle but marked indicator of structural disparities in the treatment of Magnesia's citizen women, which, we may infer,

would have longstanding and debilitating consequences for their potential for virtue; though Plato initially asserts that boys and girls must be educated and that virtue applies irrespective of gender, the conditional nature of the passage would seem to undercut proposals to correct and improve the moral lives of women.

A later passage appears to make similar, qualified claims. At 7.813a–b Plato insists once again that women undergo military training to protect the city in the absence of the male population, especially should a large army invade and the city be forced into an existential conflict:

> In all these subjects [i.e., pyrrhic dance and military training] there must be public instructors paid out of public funds. The boys and men in the city must be students (μαθητάς) of their lessons; and the girls and women should be knowledgeable (ἐπιστήμονας) of all those things. While they are girls (κόρας), they must practice every kind of dancing and armed fighting (πᾶσαν τὴν ἐν ὅπλοις ὄρχησιν καὶ μάχην μεμελετηκυίας); when they are grown women, they must play their part in maneuvering, getting into battle formation and the putting on and taking off of weapons, if for no other reason (εἰ μηδενὸς ἕνεκα) than, if the whole mass of the army with all its power should ever have to leave the city and fight outside, [it is necessary for the women] to be prepared to take the responsibility of guarding the children and the rest of the city (7.813e5–a5).[44]

We return to this passage in the discussion of performance in the next chapter, but here we observe a number of gendered antitheses that comprise (or compromise) parallelism of male and female lifestyle. Boys and men must be 'students' (μαθητάς) of martial arts, while girls and women should be 'versed in' or have 'knowledge of' (ἐπιστήμονας, 7.813e7) the same subjects. Men constitute the presumptive army; women, having (merely?) 'grasped' (ἡμμένας, 7.814e7) the basics of tactical maneuvering and putting on armor, form an auxiliary defense, a reserve force called upon only in situations of extreme duress or in the absence of the male standing army. Plato goes on to argue that it is a sign of "much evil within a constitution" (πολλή που κακία πολιτείας, 7.814a8–b1) if the women are so 'shamefully reared' (αἰσχρῶς . . . τεθραμμένας, 7.814b1) that they dare not, as mother birds do, fight and risk their lives on their children's behalf, but instead run to temples and hide in sanctuaries. Women who do so thereby give humanity the reputation of being "by nature the most cowardly of all animals" (ὡς πάντων δειλότατον φύσει θηρίων, 7.814b6–7). Embedded

within the argument for the inclusion of women within the military is thus an explicit critique of the character types available to contemporary women and the political institutions within which women develop as moral beings. While the education and minimal military training of women in Magnesia offer correctives to the cowardly behavior and disgraceful characters exhibited by contemporary women, notably missing is any independent regard for the moral flourishing of the female population. If virtue is good in itself and is good for its possessor, and if Plato showed concern for the female population, one would expect an argument based on the benefits women would derive from the pursuit of virtue. Yet, no such argument is made. Instead, Plato's argument appears in part to be motivated by and to rest upon a rhetoric of shame and disgust: women must take up arms to avoid incurring, and bringing upon the city, disesteem for cowardice and moral disgrace (αἰσχρῶς, δει λότατον). In another respect, Plato's grounds are utilitarian. Yet, even that is qualified; that women serve as a defensive army suggests that women's education and contributions to the city are subsidiary benefits but not essential to the flourishing of the political community.

Okin reads such exemptions and qualifications as indicative of a deeper ambivalence on Plato's part regarding the wisdom and feasibility of 'bringing wives out of their domestic seclusion.'[45] "Plato was certainly not in the habit," she observes, "of making aspects of his educational system optional—particularly those relating to the defense of the state."[46] By allowing girls to choose whether to participate in the educational program and construing their contributions and their souls' capacity for virtue as inferior, Plato not only appears to doubt women's ability to develop into perfect citizens, he also builds inequality of genders into the city's educative institutions, with consequences that over the long term would curtail the resources and kinds of lives available to the citizen women.

A systematic assessment of Okin's interpretation falls beyond the purview of the present discussion, but it should be noted that such limitations might, for instance, be limited to the physical, not intellectual or ethical, education of women. Nor does it necessarily follow from the fact that girls may opt out of athletic lessons or that women may contribute only defensively to the city's military that women are in all other respects secondary participants in the *polis*. Rather, it makes intuitive sense to tailor gymnastic and martial requirements to the student body and the physical difficulty of horseback riding, archery, javelin-throwing, and slinging may exceed what Plato believes all but a few women capable of. But this says nothing of women's intellectual or psychological potential to behave bravely. In other words, even if Plato

believes women to be typically or innately inferior to men (and passages cited above suggest as much), the level of civic virtue attained by Magnesia's women might nonetheless suffice to qualify them for citizen status, and enable them substantially to contribute the ideal city.[47] The main purpose of even the most gymnastic education in Plato's ideal city is not solely martial, and what these passages do not suggest is that women may elect to avoid ethical education. This is particularly important since one finds in the *Laws* no direct or indirect correlation between athletic or martial ability and citizen status, and participation in the *polis* is neither limited nor in any important way determined by one's contribution to the city's army (although all citizens must make some contribution, no matter how inconsequential).[48] Rather, intellectual and moral capacities and accomplishments determine membership within the citizen community; and no one, as we observe below, is exempted from cultivating a high degree of virtue and knowledge in themselves and others.

The particular difficulty with respect to the education of women in the *Laws* is that for every statement that appears to provide an exemption, it is equally possible to find another that insists on including women in the most categorical terms. Another group of passages, for instance, which address segregation in the educational program and the city's culture, argue that, since all students are to serve in the military, the legislator must assign officers the task of training 'all boys and all girls' (πάντες τε καὶ πᾶσαι) to become physically fit and ambidextrous (7.795c8–d5). Plato's argument for ambidexterity has been a site of creative interpretation, leading commentators, for instance, to read the argument for ambidexterity metaphorically as an implicit argument for other forms of equality as well.[49] Yet, even without recourse to allegorical hermeneutics, it appears that the separation of genders, which applies to teachers as well as students, provides no educational exemption: the term *pasai* encompasses all girls in Magnesia (as *pantes* embraces all boys), not merely those who have chosen to participate. This suggests that the passages cited above should be understood as inclusive, that is, as encouraging women to participate in the educational program, rather than providing an exemption. Such a reading is also in line with a later passage in which Plato claims that the only contest in which adult women will not be required by law to participate is competitive horseback riding but that those who have developed a taste for equestrian sport while young may do so as adults if they wish (8.834d). The point is made more explicitly in lengthy discussion in which the Athenian Stranger insists that women not be released from any sort of athletic training, including the most demanding gymnastic exercises. Plato insists that girls must be trained in precisely the 'same way' (ἴσα) as boys; on

the model of the Sauromatians, they must learn horseback riding, athletics, the use of the bow and other weapons; and they, like the mythological women of the Black Sea, must have an 'equal duty' (κοινωνία . . . ἴση) to cultivate such skills to the same degree as men (7.804d6–805a3).

As Moore observes, Plato's recourse to mythical models of the female underscores a central challenge that Plato confronts with respect to women in the *Laws*: namely, that no satisfactory models for feminine virtue are to be found in neighboring *poleis*.[50] In making education compulsory for women, Plato insists that all salient aspects of women's lives are to be equal to or fundamentally akin to those of citizen men (6.770c–d, 6.785b, 7.806c, 7.807c–d). Every city in which women and men do not share a common purpose and life style, the Athenian Stranger argues is 'absolutely unintelligent' (ἀνοητό τατα); not only is it 'half a city' (ἡμίσεια πόλις)—not only, in other words, is does it commit a failure (ἁμάρτημα) on prudential grounds—it is also vitiated as the expression of a lack of *nous* (7.805a5–b1). Yet, Plato finds no alternative among contemporary *poleis*. Thracian women farm, tend cattle, herd sheep, and are in all respects 'slaves' (δούλων, 7.805e1). In Athens, domestic affairs are handed over to women, whose only form of political 'rule' (ἄρχειν, 7.805e6) is exercised over the loom. Sparta represents an unsatisfying middle ground; its girls participate in gymnastics and *mousikê*; and its women avoid work at spinning and 'weave (διαπλέκειν) a rather laborious way of life (τινα βίον) that is neither mean nor cheap' (7.806a3) tending to the people, rearing children, and acting as stewards; but they are incapable of taking up arms and defending the city (7.806a). Much better, Plato insists, would be to imitate the lifestyle of Amazons and Sauromatians, and, if nothing else, terrify invading armies with a show of force (7.806a–c). The latent form of the argument in 7.805d–806c is the priamel, a poetic and rhetorical figure that foregrounds a desired condition by juxtaposition to inadequate antecedents: Thrace is inferior to Athens, Athens to Sparta, but Sparta is no anti-Athens. The survey points up the absence of a minimally tolerable model for female distributions of labor and lifestyles.

Note that earlier Plato has referred to a city in which the women remain uneducated and non-participatory as a half *polis* (ἡμίσεια πόλις), whereas the qualification has been transferred from the city to the defective half legislator (διήμισυν . . . νομοθέτην) and the half-blessed life he fashions. Women's education and military training conduce to a reflection on the nature of lawgiving, that is, a reflection on the project of the text itself, which pinpoints a deficiency inherent within contemporary law as a genre and intellectual practice; namely, by failing to articulate the appropriate

principles of a lifestyle for women, lawgivers have undermined themselves as legislators and have failed to attain the ends of legislation: a genuinely flourishing life for their citizens. What is rejected in 7.805d–806c is therefore not only the lifestyles of women, but the basic epistemology and ethical commitments shared by Thracian, Athenian, and Doric principles of legislation. By virtue of their (mis)treatment of women, all three cities belong within a single spectrum of defective states and legislative failure. In this respect, Plato makes the lifestyles of women a focal point of political dissent, a critique of ancient practices that encompasses not only Athenian but also Doric and Thracian political and social institutions.

How are we to square such blanket insistence on women's equal (*isa*) education and participation as an auxiliary force with the exemptions and qualifications noted above? The answer is implicit in the argumentative structure of the dialogue, a mode of presentation and elaboration tailored to Plato's readership. Earlier passages, which appear before Plato has supplied the prudential justificatory grounds for women's education and military lifestyle, foreshadow the full development of the conclusions presented in at 7.804d–806c; in other words, Plato is methodically but indirectly building a case for educating women, one that begins by identifying and criticizing their ethical failings in a misogynistic rhetoric that may have made sense to an ancient audience, but which also lays the groundwork for correcting those failures and attributing their causes not to women but to ancient forms of government and legislation. There are historical reasons for Plato's broaching women's military and educational equality with such delicacy. A recurring concern in the *Laws* is that educational proposals will be met with opposition—in one passage the Athenian Stranger expects mandatory education for *men* to encounter resistance from their fathers (7.804d)—and, as Plato appears aware, proposals regarding women transgress a number of cultural taboos, particularly those concerning the separation of the private household from the institutions of governance. In the *Republic*, Plato addresses such anticipated resistance directly, arguing that no matter how scandalous, the private family must be eliminated and guardian women must train for battle wearing nothing but virtue (*Resp*. 5.457a–b; cf. the similar claim in 8.833–834a). The *Laws* addresses the same prejudices with instrumentalist arguments that a city comprising educated and virtuous women is doubly superior to one in which men alone receive military and moral training.

The virtue of a parallelism between male and female lifestyles is underscored in a subsequent passage, in which the Athenian Stranger draws to conclusion the discussion of childrearing and education, revisits the

institution of the *syssitia*, and considers the "way of life of human beings" (τρόπος ἀνθρώποις . . . τοῦ βίου, 7.806d7) for whom labor has been assigned to slaves. There will be separate *syssitia* for men and, 'nearby' (ἐγγύς), for their "family members (οἰκείων), namely, female children and their mothers" (παίδων τε ἅμα θηλειῶν καὶ τῶν μητέρων αὐταῖς), over which 'male and female rulers' (ἄρχουσιν δὲ καὶ ἀρχούσαις) preside, overseeing and observing (θεασαμ ένους καὶ ἰδόντας) the conduct of the meals (7.806e3–7). It is unclear whether Plato envisions separate tables or halls for the men and women, but in either case such an arrangement will prevent citizens from digressing into lives of leisure and sloth in the 'manner' (τρόπῳ, 7.807a5) of cattle who fatten themselves and fall prey to other, leaner beasts. Yet, the Athenian Stranger doubts that a life of complete leisure fully devoted to the pursuit of virtue will be achieved so long as the private family remains intact:

> Of course, these things, if we were to search for them, probably would not ever occur with adequate precision (δι' ἀκριβείας μὲν ἱκανῆς) so long as women and children and households are private, and all such things are arranged privately by each of us, as they are now (ὡς καὶ νῦν . . . μέχριπερ ἂν γυναῖκές τε καὶ παῖδες οἰκήσεις τε ἴδιαι καὶ ἰδίως ἅπαντ' ᾖ τὰ τοιαῦτα ἑκάστοις ἡμῶν κατεσκευασμένα).[51] But if the second-best arrangements (δεύτερα) after those would come into being for us as they have now been described, things would achieve due measure. (7.807b3–c1)

Two central objectives introduced in earlier books converge in this passage. The first is the development of an alternative to the private family as the basic institution through which moral sentiments and social bonds are formed and citizens prepared for civic responsibilities. As Bobonich notes, "[b]y requiring common meals, the law enjoins the citizens to engage in a cooperative venture that publicly expresses their concern for each other."[52] Within a completely ideal state, the private family is obliterated, with wives and children held communally. A second-best (δεύτερα) compromise, by contrast, makes recourse to *syssitia* and parallel styles of living for men and women, dividing the citizens' time between communal and private institutions and allowing each to return his or her family after dining; and it is precisely in the concessions made to the family—concessions that privatize the lives of women and subject them to domestic control—that ultimately define the city of the *Laws* as unideal.

The second is the articulation of an ethically appropriate lifestyle or way of life (τρόπος . . . τοῦ βίου) for citizen women and men. The

institution of *syssitia* becomes an instrument by which men and women acquire the virtues of temperance and bravery. Each *syssiton*—for men and for women—systematically mirrors the other, and is designed to ensure that both genders lead analogous lives. Both *syssitia* are informed by the same principles of social hierarchy (ἄρχουσιν δὲ καὶ ἀρχούσαις), replicating political order and coercing women to live public, visible lives, in which they too are subject to the regime of speculation and politics of viewing (θεασαμένους καὶ ἰδόντας) that, as we observed in the last chapter, informs the basic structure of Magnesia's performance culture.

The upshot is a form of civic participation (κοινωνία) that effaces social and ethical distinctions between men and women within nongovernmental institutions. The Athenian Stranger maintains that women must "share (κοινωνεῖν) with men, to greatest degree possible, in education and all else" (παιδείας τε καὶ τῶν ἄλλων ὁτι μάλιστα, 7.805c7–d1). Language of 'equality' or 'communality' (ἴση, ἴσως, κοινῇ, κοινωνία) among men and women translates as a subdivision of the citizen population into two analogous groups, differentiated by gender, but pursuing parallel courses of study and leading the same sort of lives. The character for women that emerges will thus be 'tightened,' opposed to a Laconian *anesis*, neither enslaved on the Thracian model, nor tethered, as in Athens, to the loom. The arrangement of the *syssitia*, moreover, also bypasses the Athenian custom of notionally classifying women either chaste wives and daughters protected in the *oikos* or slaves and *hetairai* subject to sexual penetration.[53] Women in Magnesia are made to acquire virtues within public, commensal institutions traditionally associated with masculinity, and yet retain qualities recognized as feminine, such as chastity, maternity, and supervision of children in the household.[54]

5.5 Unnatural Limitations: The Political Lives of Women in Magnesia

We have observed that the formation of heterosexual erotic pleasure is central to Plato's understanding of the appropriate ethical development of women; that virtue is universal and must be cultivated by all members of the *polis* community regardless of sex or age; that Magnesia's commensal and educational institutions are designed, *inter alia*, to lead women to live publicly virtuous lives, and to offer an ethical alternative to the debased lifestyles available to Greek women in ancient *poleis*. One remaining question is whether the parallelism of lifestyle for men and women in the second-best city's educational and commensal institutions obtains in its

narrowly political institutions as well. The answer depends on a single, contested passage at the end of Book VI:

> A girl should marry between ages of sixteen and twenty, to state the longest time period, and a boy between thirty and thirty-five. A woman can enter office (ἀρχάς) at forty, a man at thirty. A man is subject to war (πρὸς πόλεμον) from the age of twenty until the age of sixty. In whatever military services (τὰ πολεμικά) it seems women should be employed, each will be ordered to do what is possible and appropriate for her, after she has borne children and until she is fifty years old. (6.785b2–9)

Much rests on the meaning of the terms in Greek and especially ἀρχάς, one of the rare instances in the *Laws* that explicitly and unambiguously refers to women holding governmental positions, and its scope is ambiguous. As a number of commentators have observed, if ἀρχάς designates all offices in Magnesia, and if πρὸς πόλεμον, which qualifies men for governmental offices, is identical to τὰ πολεμικά, which women undergo after bearing children, it appears that women may hold all political offices in Magnesia. Thus, if we interpret 6.785b expansively as comprehensive legislation encompassing all political *arkhai*, as Bobonich suggests, "the only political difference between men and women appears to be that women's eligibility for office starts ten years later."[55] Women at forty would qualify to hold governmental offices and positions of leadership, and they would also enjoy unique political privileges; a woman over forty, for instance, whose husband still survives would be entitled to serve as a witness in court; if she is unmarried, divorced, or widowed, or if her husband is otherwise unavailable, she would also be permitted to testify and initiate a prosecution (11.937a).[56] All of this would mean that Plato in the *Laws* grants women extraordinary political enfranchisement—an enfranchisement that, insofar as it applies to women of all social strata, would indeed be more far-reaching and systematic than the *Republic*'s philosopher queens.

However, the nature of ἀρχάς is not unequivocal, and there is reason not to read it so expansively. Only four offices are unambiguously made available to women in the *Laws*:

(i) Priesthoods, available to women over sixty, either inherited or appointed on an annual basis (6.759a–760a). The discussion of priesthood appears within a section of Book VI devoted to the appointment

of major political offices (Law Wardens, the Director of Education, and Generals). Priests and priestesses are among 'three categories of officials' (τρία μὲν ἀρχόντων εἴδη, 6.759a6) that regulate public spaces. Their particular charter is to serve as 'Wardens of Temples' (νεωκόρους, 6.759a4) alongside 'City Regulators' and 'Market Regulators' (ἀστυνόμους, ἀγορανόμους, 6.759a7, a8). Priestesses are chosen through a process of screening and sortition that resembles the electoral system through which major political offices are filled. This, in conjunction with the ubiquity of priestesses in positions of enforcement and supervision, suggests that priestesshoods are at least in some limited sense a politicized, regulatory apparatus, even if their activities do not involve, for example, ruling and being ruled within institutions of governance and political deliberation. In this respect, priestly authority in Magnesia replicates and augments the influence of ancient priestesses, who, for instance, in democratic Athens appear to have been invested with a kind of administrative and bureaucratic authority.[57]

(ii) The second—Anna's 'women's moral vigilante group'—consists of a body of ten elected 'Supervisors' (ἐπίσκοποι, 6.784a1) whose domain is marriage and whose duties include marital reconciliation and divorce counseling. The Supervisors of Marriage 'admonish' and 'threaten' (νουθετοῦσαι . . . ἀπειλοῦσαι, 6.784c3) married couples into obeying the laws of marriage, especially those that mandate reproduction, bringing any who violate the laws of marriage and reproduction to the attention of the Law Wardens for prosecution. Once the Supervisors of marriage and the family have reported the offenders, the Law Wardens adjudicate the case and administer the final verdict. The Supervisors are referred to as 'ruling women' (ἀρχουσῶν γυναικῶν, 6.784b5), suggesting that they too operate as an official institution of governance akin to the Law Wardens, Generals, and other directorates (on which, see below). The Supervisors of Marriage assemble daily in the temple of Eileithuia, a female complement to the Nocturnal Council and Law Wardens, the city's principal political establishments, who also convene daily. Unlike the Nocturnal Council and Law Wardens, however, the Supervisors' domain of influence is limited to the household and the family; their duties are to enforce the laws of marriage, reproduction, and, through the Overseers, childrearing and early education but no others (6.783d–785a, 11.930e–930b).

(iii) The Supervisors of Marriage in turn appoint twelve women, one from each tribe, as Overseers of the Nurses. The latter, also referred to as officials (ἀρχούσαις, 7.795d1; see 7.794a–c, 7.795c–d), arrange temple visits for, and tend to, children ages three to six. Alongside Supervisors of Marriage, they manage the games and educational activities of children ages six to twenty.

(iv) The *arkhousai* who, as we observed in the last section, oversee the administration of *syssitia* for women and their daughters (7.806e).

Of the four offices unambiguously available to women, Supervisors of Marriage hold the most explicitly political authority, and their sphere of influence is also the most far-reaching. It penetrates into the family, comprehends the private lives of citizen men and women, and regulates childbirth and early education. Through the Supervisors of Marriage, as Moore observes, Plato "significantly revises the traditional dichotomy between *oikos* and *polis* by allowing women unprecedented access to participation in the affairs of the latter (along with the state's encroachment on the former)."[58] Moore concludes that Supervisors of Marriage and Overseers of Nurses "serve an implicitly civic role through the infiltration of the private household with the express purposes of ideological manipulation and behavior modification."[59] An implicit demarcation thus informs the gendering of civic spaces and sociopolitical authority; *arkhousai* 'rule' over women, children, and the family, not adult citizen men within judicial or legislative institutions; and even within their regulatory domain, the Supervisors of Marriage must defer to the Law Wardens for prosecution. There are thus reasons to concur with Annas in doubting whether the Supervisors of Marriage have any substantive *political* authority outside the household and whether their regulatory activities qualify as participation in the political process.

Because ἀρχάς in 6.785b5 appears in closest proximity to the Supervisors of Marriage (6.784a) it is perhaps prudent to restrict its designation to that institution; and this would mean that the only political office available to women is that of the Supervisors. No other political office available to men is said to be open to women; nor, vice versa, are any of the women's offices accessible to men. A possible exception is the Assembly (*ekklêsia*), the main function of which is to elect officials and magistrates (including Priestesses and Overseers of Marriage). The only criterion for eligibility to hold or vote for office is having served in the military: 'Let everyone participate in the selection of officers who owns either cavalry or infantry weaponry, as well as those who partook in war (ὅπλα ἱππικὰ ἢ πεζικὰ τιθῶνται καὶ πολέμου

κεκοινωνήκωσιν) while their age enabled them to do so' (6.753b4–7). Given that women undergo extensive military training and serve in the affairs of war (*ta polemika*), there appears to be no necessary, structural impediment to their participating in the Assembly. Yet, the identification of war (*polemos*) and the affairs of war (*ta polemika*) requires careful consideration. Having participated in war (*polemos*) and having become educated in the affairs of war (*ta polemika*) need not be the same, and if Plato means *polemos* in its strictest sense, women would be eligible only if an invading army has coerced them to participate as an auxiliary or backup force. Moreover, 6.753b should not be read as granting voting rights to all male citizens; rather, it distributes automatic political enfranchisement to all who are wealthy enough to own equestrian or hoplite armor, and it limits the suffrage of those who cannot afford armor to the few who have actually engaged in armed conflict. More important, the notion of women voting in the assembly would have appeared just as, if not far more, radical than their participating in military training and dining halls, and Plato is not in the habit of omitting direct and sustained arguments for his most extraordinary proposals, especially those regarding women. The same holds true for every other governmental position, none of which are explicitly made open to women: the council (*boulê*, 6.756b–e, 6.758a–758d); military officers (6.755b–756b); country wardens, city wardens, and market wardens (6.759a–764e). Of the highest offices, Law Wardens are twice said to be men (6.754c6, 755b5; cf. 6.752d–753a, 6.754a–755b); Auditors (*euthynoi*) declared city's 'the three best men' (ἄνδρας τοὺς ἀρίστους τρεῖς, 12.946b5; cf. 12.945b–948b); and the Director of Education must be 'a father (πατήρ) of legitimate children, to the greatest extent possible of sons and daughters, if not, either' (6.765d7–8). The Nocturnal Council also appears to exclude women de facto, if not de jure, or at least significantly to restrict the composition of its membership to offices reserved for men (12.951c–e, 12.961a–b).[60] Nowhere does Plato state that women would hold any of the latter *arkhai*.

A cautious reading of the text thus concludes that what is meant by ἀρχάς should be limited to the Supervisors of Marriage, and that while Plato is insistent that women participate in *syssitia* and gymnastic education, and thereby acquire specific virtues, women, to adapt Annas's words, take no part in any political process, they are unable to own or inherit property in their own right, and they are perpetual legal minors always under the authority of male relatives or guardians. In its politics, if not in its theory of virtue, its approach to education, and its social institutions, the *Laws* maintains the normal Greek practices of the time.

Yet, what appears to be remarkably absent in the *Laws* is any sustained philosophical justification for the traditionalist treatment of the political statuses made available to women in Magnesia, an omission that is all the more remarkable in light of the unconventional political arguments of *Republic* V. Surely, pragmatist and naturalist arguments might have been adduced to support full political enfranchisement of women (as they are in the *Republic*); but Plato nowhere entertains the possibility of a city in which the retention of the family does not necessitate imposing a state of permanent legal juniority upon the female citizen population—an observation that points to a nexus of continuities with earlier dialogues. As we have observed, the theory of natural procreative pleasure in the *Timaeus* informs the *Laws*' marriage and reproductive legislation; but it is especially in relation to the *Republic* that the *Laws* reveals continuity. Both the *Republic* and *Laws* justify the reconfiguration of the lives of women within a discourse holding things in common (*koinônia, koina*), as well as with reference to a naturalist framework (*physis*). In both, the moral development (or lack thereof) of women figures as a locus of political critique, a litmus by which to measure the level to which contemporary political practices depart from natural law. Pragmatic considerations are also essential; insofar as Plato believes women to be disproportionately corruptible and corrosive when left unregulated, the city's flourishing depends all the more on the government of their lifestyles.[61] To be sure, there are important differences in the philosophical ideals that motivate the treatment of women in both texts; in the *Laws*, for instance, the lifestyles and practices of men and women are described as being in common, not women themselves, as in the *Republic*; and, as we observed at the outset of Section 5.2, Plato's final dialogues presume a modified theory of female nature. Nevertheless, Plato's approach to the lifestyles of women in the *Laws* is grounded in shared principles, and invokes many of the same biases and rhetoric that subtend the radical communalization of women and children and the invention of philosopher queens in the earlier dialogue. At the same time, those principles are realized through a set of social institutions—primarily those of commensality (*syssitia*) and the family—that are unmentioned or dissolved in the *Republic*. Plato appears thus to have come to believe that the ethical objectives that lead to improvements in the political status of women in the *Republic* may be fully addressed by changes in their cultural and educational activities; in other words, within the *Laws*' social and educational institutions we observe a displacement of the principles that lead to political parity in the *Republic*.

How is one to make sense of text that repeatedly argues for complete identity and parallelism of male and female lifestyles and develops radical educational,

military, and social institutions to make that parallelism an indispensable part of the state, but fails to address the single institution—government—most responsible for creating egregious and conspicuous disparities in the kinds of lives that citizens may expect to live? Cohen has attempted to resolve the apparent conundrum by arguing that the *Laws* entitles women to all of the highest positions of political authority.[62] His interpretation rests on a reading of the presentational structure of the dialogue. The arguments for women sharing the same lifestyles as men appear in Books VI and VII, after Plato has delineated the city's principal governmental institutions in Books IV and V. On Cohen's interpretation, we should therefore read the arguments from the later books retroactively, inserting women not only into the educational system and commensal dining halls, but also into government. Cohen further observes that the *Republic* displays an analogous presentational order; arguments for the elimination of the private family and the political enfranchisement of women appear in Book V, but the institutions of the city are presented in Books II–IV. Cohen insists, moreover, that the *Laws* pragmatically implements the *Republic*'s argument that all women must be educated and assigned political offices according to their innate potential. Yet, Cohen sees a fundamental difference between the aims of the two dialogues, which in turn has important consequences for how each approaches its female population. While the *Republic* is "based upon government by the philosopher-ruler,"[63] Plato in the *Laws* has "moved in the direction of constitutional democracy based on universal suffrage."[64] Unlike the *Republic*, in which obedience to reason, as divined by philosopher kings or queens, is the sole aim of political activity, in order for the 'constitutional democracy' of the *Laws* to survive "it must ensure that all its members develop their capacities and civic virtues as fully as possible and that those who are most capable are elected to office."[65] The status of women in the *Laws* is thereby understood as a logical consequence of, and a mechanism by which to preserve, its governing political structure. Plato's reasons are pragmatist, Cohen argues; women's education and political involvement are essential to the maintenance of a citizen population capable of participatory governance. Here Cohen's secondary, but one suspects no less influential, argumentative substrate emerges. The *Laws*' pragmatic reasons for educating a class of politically active citizen women, he concludes, offer proof of a democratic shift in Plato's political philosophy, which in turn gives cause to doubt the totalitarianism of which he was accused by Popper.[66]

With few exceptions, however, neither the optimistic interpretation advocated by Cohen, nor his focus on women in political and governmental institutions has gained much traction. Plato in the *Republic* explicitly claims

that the arguments concerning women in Book V are meant to apply to the institutions described in earlier books, but the *Laws* contains no such blanket, retroactive admission of women within the city's political institutions. Cohen's argument is, in other words, made from silence and inferences drawn from readings of other dialogues; and, as we have observed, Plato repeatedly bemoans the impossibility of achieving the elimination of the private family, the pragmatic condition that makes the enfranchisement of women feasible in the *Republic*. Cohen's preoccupation with Popper's waning has also been replaced by other priorities, and another group of scholars has problematized his optimistic reading of Plato's treatment of women in the *Laws*. Levin, as we noted above, argues that the *Laws* portrays female *physis* as naturally inferior to the male; and it positions women within the state accordingly.[67] Others have based their arguments on analyses of the economic and domestic institutions proposed in the *Laws*. Okin, for instance, claims that the household responsibilities assigned to women require that they spend their lives caring for children, leaving little room for politics.[68] That Plato himself recognized and lamented the limitations associated with the family matters little, since, Okin concludes, the retention of the family and private property, which women cannot individually own in Magnesia, sentences women to a de facto if not de jure life of domestic servitude. Moreover, on Plato's view of the morally corrosive effects of manual labor, a life spent tending infants would retard ethical development; it is not merely that women would have limited access to political power; their banausic duties would leave them philosophically stunted and unqualified for leadership.[69] Both Levin and Okin, like Annas, conclude that the lives of women in Magnesia will be restricted to domestic activities, departing only slightly from those of contemporary Athenians, regardless of whether Plato intended that outcome to be the case.

One response to the conclusions reached by Levin, Okin, and Annas is to question the basic category of the political—and therefore ethical—assumed in much of this work. While not dismissing the limitations on women's enfranchisement that Levin and Okin's highlight, Moore calls attention to the programmatic weakening of the distinction between the domestic and the political spheres.[70] If the women of Magnesia would spend much their lives occupied with the affairs of the *oikos* to the exclusion of participating in government, this should not be construed as implying that their actions are somehow apolitical or fall outside the public sphere. Rather, women are key agents, Moore argues, in the politicization of the *oikos*. Studies that construe the status of women in the *Laws* as determined solely or primarily by their presence in, or contribution to, domestic institutions thus omit significant

dimensions of what Plato would consider political activity. If, moreover, Moore suggests, the family has become politicized in Magnesia, it is also redesigned as a context in which women perform (masculine) virtues.

In this context it is important to revisit the neglected work of Rabbi Frank, who in many ways anticipates and reconciles the divergent positions that have developed in the late twentieth and early twenty-first centuries. Frank, who recognizes limitations on women's political enfranchisement in the *Laws*, argues that even within the household, women's lives in Magnesia are structured according to the principles of ruling and being ruled in turn; at various stages throughout their lives, women occupy positions of subordination and authority.[71] On Frank's reading, most female (and male) citizens in the *Laws* are rarely qualified to occupy any but the lower positions in Magnesia's social (and political) hierarchy; however,

> the very small number of women whose innate capacity fits them to occupy such a [higher] position, are given the higher, mathematical and dialectical, training; and . . . this, superimposed upon the firm base of nonlogical education which has fitted them for citizenship, and always operating in a nonlogical setting of a mythological and religious nature, eventually prepares them for their especial function. This function is exceedingly important, and indeed is indispensable, in connection with the guidance, maintenance, and direction of the planned community which Plato regards as the earthly application and completion of the divine plan laid up in heaven.[72]

The positions available to women in the ideal city are thus linked to individual training and ability, and, as a consequence, change over the course of life and ethical development. In other words, the status of women mirrors Plato's conception of 'political justice'—that is, proportional equality—according to which political influence is determined by knowledge and virtue, such that one progresses along a social hierarchy according to age, wisdom, and the demonstrated capacity to manifest goodness in oneself and others. One should speak, then, of women's graduated statuses, not a single status; nor should one expect to find absolute identity across gendered behaviors and political opportunities, but rather graduated parity in distinct social and civic spheres—women principally in the household, men in governance, but both in such institutions as education and communal dining assemblies—in proportion to the members of a given social, educational, and age class.

This brings up a point that is often mentioned in the literature on the education of women in the ancient world, one that underscores the contrast between the model of pedagogy and social structure that Plato envisions for women in Magnesia, and what little can be reconstructed of the social lives of women, especially in archaic and classical societies. As Skinner observes, male pederastic educational structures, like male political structures, appear to have been hierarchical, competitive, and organized according to an economy of relationships of dominance and subordination; but "scholars draw an absolute distinction between the hierarchical structure of pederasty and what they perceive to be the egalitarian companionship of the Spartan *agela* and the Sapphic circle."[73] By contrast, Frank's developmental framework for the lives of women shows that in Plato's ideal city, social and political inferiority and authority coexist within the community of citizen women; a woman's accomplishments facilitate her graduation from positions of subordination to those of leadership. Basing the homosocial lifestyles of women on the lifestyles and institutions traditionally associated with men has led Plato to reorganize the household according to the competitive, hierarchical principles that undergird the homosocial, male, political community. As we shall argue in the next chapter, the same developmental, competitive scheme that undergirds women's social and political lives shapes their statuses within Magnesia's performance culture.

5.6 Conclusions

In a seminal study of the political status of women in the *Laws*, Saunders argues against a tendency in the secondary literature to dismiss or flatten the tensions and ambiguities within the design of Magnesia's law code. To women, Saunders concludes, Plato (intentionally or accidentally) assigns (or may in certain circumstances permit) a spectrum of (potentially incompatible) political, social, and (more certainly) domestic responsibilities; and while it rarely provides legislation that would impede gender parity, the *Laws* does not necessarily enforce it.[74] If Saunders remains resolutely indeterminate, his interpretive posture has the virtue of changing the basic question and hermeneutic strategy that we bring to the text:

> [T]he right question is not, "Did Plato intend women to hold office in Magnesia?", as if the answer had to be a disjunctive, yes or no, but

> "Would he have intended it, once convinced it was feasible?" On his own functional and pragmatic premises, he would surely have regarded any state in which women hold office successfully as a better state than one in which they do not. In Magnesia, by accident or design, he is not clear whether he envisages it; but he has at any rate left the door open, and would surely be very happy to see the Magnesians walk through it.[75]

There is in Saunders's reading a fissure between what the *Laws* legislates on the one hand and what he calls its 'aspirations' on the other:

> Magnesia incorporates all sorts of tensions within itself, for example between election and lot, rich and poor, oligarchical inequality and democratic equality, between discretion and the letter of the law, between private life and public life. Hence the structure [Plato] sketches is, like all political structures, capable of improvement; it embodies aspirations. He would prefer communism of property and families to the private property and families of Magnesia; but these would themselves would become an aspiration if something less desirable had to be tolerated.[76]

Saunders may be criticized for having advanced the conversation back, as it were, to Grote's claim that "Plato is most anxious that [women] should learn [the same things as men], but he fears that the feelings of the community will not tolerate the practice."[77] Yet, the recognition of the incompatibility between what the constitution in the *Laws* aims to accomplish and the institutions through which it would do so is salutary, reminding us that Magnesia is a provisional *politeia*, a negotiation between ancient practices and philosophically inspired 'aspirations.' One such aspiration—overdetermined, we have argued, by a theory of natural gender and heterosexual, procreative pleasure, the universality of virtue, utilitarian considerations, and a profound dissatisfaction with the lives of women as Plato knew them in Athens and throughout the Mediterranean—is that the women of the ideal city would be so trained, so visibly virtuous, as to be able fully to participate in the *polis*. If accommodations made to ancient horizons of possibility curb Plato's ambitions, the *syssitia*, military, and system of gymnastic education represent alternative institutional frameworks to accomplish what the governmental organs and domestic regulations of the second-best city make impossible. In the next

chapter we turn to Plato's criticisms of another dimension of the lives of ancient women—a protocol of silence surrounding their presence in or enforcing their absence from specifically Athenian rituals of performance—and Plato's program to refashion women's performances as sites within which to fulfill the philosophical 'aspirations' that remain implicit within the second-best city's political institutions.

6

Engendering Harmony

WOMEN'S SONGS IN PLATO'S *LAWS*

6.1 Introduction

The previous chapter observed that Plato retreats in the *Laws* from the *Republic*'s most radical proposals, reinstating the private household and traditional institutions of governance, abandoning the *Republic*'s arguments for women's equal political standing, and limiting political office to citizen men. The result, as Annas claims, is a reconstitution of the "normal Greek practice of the time," in which women are legal minors, neither own nor inherit private property, cannot represent themselves in court, and partake in no political process.[1] That Plato retains the legally subordinated position of women in the household and government, however, does not entail that their lives remain in all respects unchanged. Plato would require women to acquire masculine virtues and participate—even against their own will—in public, yet nongovernmental civic activities, particularly education and commensality. He would, moreover, employ women as key agents in the politicizing of the household. Women in Magnesia appear at once politically debilitated but ethically masculinized. Yet, even in this respect, we observed, Plato is pessimistic regarding women's ethical capacities and contributions to the city, portraying female as less capable of virtue than male nature; and although they may prepare to serve as a military reserve, the 'rights' that lead Vlastos to declare the *Republic* 'unambiguously feminist' appear nowhere in the second-best city.[2]

What has not been recognized in the literature on Plato's late 'feminism' is that the *Laws* offers sustained theorization of the roles and contributions made by women in poetry, music, song, and dance.[3] There is in the *Laws*, this chapter argues, a program to transform women's ethical and social lives through *mousikê*; Plato's 'feminism,' in other words, becomes in Magnesia not a political or

legal but a musical and poetic phenomenon. If Plato shares with his contemporaries an anxiety over the extra-political position of women in the ancient city, the problem, as the *Laws* represents it, lies not in the possibility that women might, for example, acquire heroic, masculine virtues and intervene upon the city's political affairs (as is often the case in Greek tragedy).[4] The danger is that the silence enveloping women in public life leads to a more profound alienation from civic virtues, and that women have *not* acquired masculine virtues and are therefore unequipped to participate in politics. Plato's solution in the *Laws* involves a rethinking not of the political or legal statuses available to women, but their contributions to and positions within the city's canon of poetry, music, song, and dance. To borrow Saunders's terminology, women's performances evince philosophical aspirations that cannot be attained in the second-best city's semi-ideal political and domestic institutions, and the arts of the Muses supply an alternative mechanism to accomplish the ethical objectives that appear as political and legal rights in the *Republic*.

Moreover, this chapter also argues that women's participation in Magnesia's performance culture represents not an affirmation but a critique of 'the normal Greek practice of the time.' For Plato, performance reflects and produces a society's deep-seated values. The silencing of women in Athenian, state-sponsored performances (e.g., at the City Dionysia) is therefore inextricable from their equally marginal political and (more important for Plato) ethical status in Athens. The *Laws* sets out to correct the Athenian picture, and what emerges is a vision of citizenship for the women of Magnesia that takes shape in performance and an argument for the centrality of the female musical voice in the articulation of civic virtue. In Magnesia, women are authorized to speak with poetic authority on the nature of virtue and to cultivate virtue in themselves and others in performance. In this respect, Magnesia is profoundly unlike ancient practice. To be clear, the *Laws*' treatment of women's performances is an embedded critique insofar as it expands the social and ethical opportunities that some ancient performance scenarios afforded women in antiquity—for example, aristocratic choruses of young women. Yet, it also constitutes a rejection of ancient practice; for in the *Laws* Plato proposes systematically to subvert Athenian performance culture, particularly with respect to its treatment of gender.

The next section revisits the controversy over the presence of women in Athenian theater, the backdrop against which women's performances in the *Laws* must be read. It then juxtaposes two strikingly divergent representations of performance culture in the *Laws*—in the first women are invisible; in the second they appear as performers, poets, and subjects of poetic praise—to

throw into sharper relief Plato's criticisms of and program to correct the ethically and socially alienated lives of women in fourth-century Athenian performance culture. Section 6.3, the bulk of the chapter, provides a systematic overview of the roles and civic contexts in which Plato argues women must participate in the performance poetry, music, song, and dance. It also assesses the status of women within the governmental institutions that oversee Magnesia's musical practices. Section 6.4 examines women's roles in funerary rituals, performances scenarios of which, we have observed, Plato is critical and in which choral lament—a genre of which women figure as the principal performers—traditionally plays an integral role. This section traces Plato's redefining funeral as projections of the political community and concludes with a discussion of the modal theory that treats harmonics as naturally—and normatively—gendered, allowing Plato to construe women's voices as instrumental in articulating the city's ethical principles. The Conclusion (Section 6.5) returns to the historical context, evaluating the *Laws*' performance culture against fourth-century Athenian practice for what the dissimilarities between the two reveal about Plato's late 'feminism.'

6.2 Veils of Silence: Women, Theater, and Performance in Athens and Magnesia

What would a fourth-century Athenian woman have thought if she were to have attended a dramatic performance in the Theater of Dionysos during the City Dionysia, a civic space within a state-funded religious festival during which men donned women's costumes, citizens masqueraded as slaves, and the young danced in choruses as the old? To pose such a question is to wade into a debate on the historical presence of women in Athenian theater, in which no evidence is uncontested and which has a penchant for polarization.[5] It is also a debate in which the *Laws* is seminal; 2.658d, 7.816e, 7.817c imply that women enjoyed tragedy and comedy, and have been taken as confirmation of the presence of women in the Athenian theater—passages to which we return below. Henderson, for instance, argues that the exclusion of women in fifth- and fourth-century Athens is chiefly a political phenomenon, distinct from the social and ideological principles that obtain in the theater. The "deme and *polis*," Henderson argues, "in their narrowly political, deliberative and competitive aspects were the preserve of citizen males only, and the group ideal for women was to be seen in public spaces as infrequently as possible."[6] Cult and religious festival, however, "operated under an older and more inclusive set of

imperatives," imperatives that construed public sacral acts as not only open to women but impermissible without them.[7] Henderson further observes that the "ideal norms of public propriety, domestic seclusion and official invisibility applied only to *citizen* women; no such protocol applied to non-citizen women (foreigners, metics and slaves) who might *choose* to behave respectably but who were presumably free to go where they liked."[8] With respect to the citizen community, the question is whether the theater comprised the festival audience (*okhlos*) or the political audience (*dêmos*). Henderson's answer is both; theater addressed the concerns of the inclusive festival audience, while remaining focused on, and focalized through, the gaze of the male citizen. Accordingly, Henderson claims, "the female spectators, if such there were, at once counted and didn't count, a situation reflecting their overall role from the point of view of the *polis*, and reflecting also the dual role of the theater as exclusively political and inclusively festive."[9]

For Goldhill, by contrast, the question concerns not women per se but the intersection of democratic ideology, Athenian civic space, and the performative qualities of Athenian spectatorship.[10] According to Goldhill, "[t]he development of democracy required and enforced a reorganization of socio-political space, and its new institutions along with its new architecture redefined the spatial relations of the city, and constructed new spaces for the exercise of citizenship where both to act before an audience and to participate in an audience are defining characteristics of democratic obligations."[11] Democratization remade the theater as a tangible expression of the politically enfranchised male community and, Goldhill argues, transformed the ideological the exclusion of women into a spatial reality.[12] One effect of defining spectatorship as a democratic political activity and representing the theater as democratic civic space is the dissolution of the distinction between political and festival audiences—or, more precisely, the absorption of the *okhlos* by the *dêmos*. The City Dionysia functions as a mirror of princes on a democratic scale, a reflection of the *dêmos* to the *dêmos*; and insofar as the *dêmos* prohibits women from its political praxis, the theater may also be expected to enforce spatial segregation.

Goldhill ultimately remains agnostic, noting that "[w]hether women are to be thought of as a silenced presence on the map of the city, then, or as an absent sign, . . . the Great Dionysia is at all levels of the festival and in all senses *represents democracy*."[13] But the contested presence of women in Athenian state theater underscores another dimension by which ancient performance marginalizes non-citizen communities and signals political and gendered differentiation. Although women figure prominently as characters in nearly

every surviving tragedy, as Zeitlin argues in an oft-cited essay, "*functionally* women are never ends in themselves, and nothing changes for them once they have lived out their drama onstage. Rather, they play the roles of catalysts, agents, instruments, blockers, spoilers, destroyers, and sometimes helpers or saviors for the male characters."[14] Within the mechanics of the plays, Zeitlin continues, "the woman is assigned the role of the radical other."[15] As much is to be expected of performances staged and judged for and by citizen men, but Zeitlin's observations regarding tragedy are not unique to the Theater of Dionysos; state-funded funeral ceremonies, for instance, operated under related regulations, prohibiting the female voice as the radical other to the male citizen who occupied the ritual center (more on which below). Regardless of whether women attended the Athenian theater, their identities within the dramas as well as in the institutions and ceremonials adjoining state festivals reflect a society that conceptualizes itself throughout its ritual calendar, as Plato's observes, principally as a 'democracy of free men' (δημοκρατία . . . ἐλευθέρων ἀνδρῶν, 3.701a3–4) in music and politics. *Mousikê* represents the *polis*, and while opinions among commentators diverge regarding which facet of the *polis* is included in the representation, ancient festival offers an index of principles that both define citizenship as concentrated on the male and circumscribe the social, political, and performative opportunities available to women.

The recognition that theater illuminates citizenship and its underlying principles of gender is especially apropos to the *Laws*. The basic concept of citizenship undergoes interrogation in Plato's final work, as does the sociopolitical role of women in relation to the enfranchised, ideologically central male community. The resulting revision of the position of women in performance is evident in the contrast between two separate accounts that Plato gives of civic, state-sponsored festivals, each offering divergent representations of the ideal city, its underlying values, paradigms of citizenship, sociopolitical hierarchies, and the roles of women therein. The first, discussed in Chapter 2 and here quoted again, appears in Book II:

> First, it would be most correct for the children's chorus dedicated to the Muses to lead off, singing such things [e.g., that the most just life is also the most pleasurable] in complete seriousness before the entire *polis* (ὅλῃ τῇ πόλει). Second should come the chorus for those up to thirty years of age, invoking Paian as witness to the truth of what is said and praying that he be kindly disposed to the youth and persuasive. It is necessary that a third group sing, the men between the ages of thirty

> and sixty; the ones who come after these, since they are not able any longer to bear the toil of singing, should use their divinely inspired voices to present mythical speeches about the same kinds of characters. (2.664c4–d4)

What is striking is the programmatically masculine tenor of ritual. As we observed in Chapter 2, the choral songs and dances envisioned herein intermingle Athenian dithyramb with Doric pyrrhic customs and Cretan pederastic initiation ritual, each performance group representing the age and sociopolitical groupings into which the *male* community is divided. Boys perform the beliefs and personae into which they will soon graduate; paian, sung by the Chorus of Apollo, affirms bonds of male solidary; the sympotic contexts in which the Chorus of Dionysos sings and practices literary criticism traditionally excluded respectable citizen women; and though never heard from again, the fourth group speaks in oracular *phêmê*, which, we discussed in Chapter 3, is elsewhere flagged as the characteristic utterance of the divine legislator and therefore the archetypal masculine discourse. Although the *polis* in its entirety (ὅλη τῇ πόλει) appears as the presumptive ritual audience, it is the male community that is on display, focalizing civic performance through the male citizen gaze. In this context Henderson's distinction between the restricted, political *dêmos* and the inclusive *okhlos* is especially illuminating: if the graduated choral and oracular structure functions as a projection of the entire city in its most inclusive, festival instantiation, the *polis* appears to be completely identical with the *male* community in its narrowly political, deliberative, and competitive aspects. The exclusion—whether ideological or spatial—that silences women in Athenian state performance has been reinscribed within Plato's ideal city as well.

The second passage appears in a discussion of performance scenarios no less masculine in valence—mock-military trials and epinician poetry:

> A city that possesses intelligence (νοῦν) must engage in military activities (στρατεύεσθαι) not less than one day per month, and more if it seems good to the rulers (τοῖς ἄρχουσιν). They should heed neither cold weather nor hot—themselves, the women, and children (αὐτούς τε ἅμα καὶ γυναῖκας καὶ παῖδας)—whenever it appears good to the rulers (τοῖς ἄρχουσιν) to lead out the whole city (πανδημίαν) or at other times in sections. They must, moreover, always devise noble games (παιδιάς . . . καλάς) along with sacrifices, so that there might be certain festival battles (μάχαι τινὲς ἑορταστικαί), imitating (μιμούμεναι)

> military battles as vividly (ἐναργῶς) as possible. For each of these they must distribute victory prizes and awards (νικητήρια δὲ καὶ ἀριστεῖα) and compose praise poetry (ἐγκώμια) for some and invective (ψόγους) for others, in accordance with the type of person each one is both in competitions and in the whole of life, glorifying the one who seems to be the best and censuring the one who is not (τόν τε ἄριστον δοκοῦντα εἶναι κοσμοῦντας καὶ τὸν μὴ ψέγοντας). Not everyone shall be the poet of such works, but first one who is not less than fifty years of age, not those who possess poetry and the Muse in themselves but have done no noble or preeminent deed (καλὸν δὲ ἔργον καὶ ἐπιφανές). On the contrary, whoever is noble and honored in the city for having been craftsmen of good works, their poems shall be sung (ὅσοι δὲ ἀγαθοί τε αὐτοὶ καὶ τίμιοι ἐν τῇ πόλει, ἔργων ὄντες δημιουργοὶ καλῶν), even if their works are by nature not musical (μὴ μουσικὰ πεφύκῃ). The decision over these things shall rest with the Educator and the other Law Wardens who shall grant them this victory prize (γέρας); they alone shall have freedom of speech in poetry and song (παρρησίαν ἐν μούσαις); others shall have no such license (ἐξουσίαν); nor shall anyone dare to sing unapproved songs without the Law Wardens' consent—not even if it be sweeter than the hymns of Thamyris and Orpheus—rather only those sacred poems dedicated to the gods, or those by good men (ἀγαθῶν ὄντων ἀνδρῶν) which in praising and blaming others have been judged to do so reasonably. I declare that in regard to both the military practices and freedom of speech in poetry the same must apply equally to men and women (τὰ αὐτὰ δὲ λέγω στρατείας τε πέρι καὶ τῆς ἐν ποιήσεσι παρρησίας γυναιξί τε καὶ ἀνδράσιν ὁμοίως γίγνεσθαι δεῖν). (8.829c2–e5)[16]

Once again, Plato envisages festival performance as a projection of the *dêmos* (πανδημίαν), and it is assumed that the relevant citizen community consists of men (αὐτούς, ἀγαθῶν . . . ἀνδρῶν), but significant space has been allotted for women to participate in military contests and poetic commemoration.[17] Plato twice expresses concern regarding the presence of women in the festival, insisting that women (γυναῖκας) participate in the contests and reaffirming that the *heortai* will be the same (τὰ αὐτά, ὁμοίως) for women as for men. In Chapter 2 we discussed representations of performance in the *Laws* in which the hierarchically ordered social relationships among performers and audience members, and the harmonic and mimetic media, combined to produce performances of virtue. Here, too, the city evinces philosophical rationality (νοῦν)—precisely to the degree that it involves women in festival competitions

and performances. Lest we be misled into concluding that Plato means only to subject women to the restrictions governing poetic license, the language at 8.829c–e echoes an earlier discussion of musical law that includes women among the city's honorands:

> Whichever citizens (τῶν πολιτῶν) have reached the end of life and have accomplished noble and difficult deeds in body or soul (κατὰ σώματα ἢ κατὰ ψυχὰς ἔργα ἐξειργασμένοι καλὰ καὶ ἐπίπονα) and who have been obedient to the laws, it would be right for them to receive poetic praise (ἐγκωμίων αὐτοὺς τυγχάνειν πρέπον ἂν εἴει). . . . Let all such honors be shared by men and women who have become conspicuously excellent (ταῦτα δὲ πάντα ἡμῖν ἔστω κοινὰ ἀνδράσιν τε καὶ γυναιξὶν ἀγαθοῖς καὶ ἀγαθαῖς διαφανῶς γενομένοις). (7.801e7–802a5)[18]

In 8.829c-e and 7.801e-802a—the former extending to women the honor (γέρας) and privilege (ἐξουσίαν) of composing (possibly bad) poetry and of speaking freely (παρρησίαν) on behalf of the state, the latter identifying women as members of the politically enfranchised community (τῶν πολιτῶν)—we find radical departures from Athenian practice. Both passages must be read, moreover, against Pericles' insistence, imaginatively ventriloquized by Thucydides, that 'feminine virtue (γυναικείας . . . ἀρετῆς)' consists in not having 'fame (κλέος) . . . for virtue or reproach (ἀρετῆς πέρι ἢ ψόγου)' (Thuc. 2.45.2). Thucydides taps into democratic apprehension regarding the funeral as an occasion for elite consolidation of power and prejudices, according to which perhaps the most notably feminine genre, ritual lament, constitutes subversive, alien discourse (more on which below). In Magnesia's performance culture, by contrast, women are given public roles exactly in the terms that Pericles denies: praise for virtue (ἄριστον δοκοῦντα εἶναι κοσμοῦντας) and for vice blame (ψόγους, τὸν μὴ ψέγοντας). Both 7.801e–802a and 8.829c–e position women alongside citizen men as noble (ἀγαθαῖς) performers of exemplary deeds of body and soul. Women figure as *laudandae* and poetesses, singled out to receive opportunities for social distinction; they appear as subjects and creators of public performance, with the personal, moral, and social authority to entitle them to speak on behalf of the *polis* and to be spoken of as symbolizing the city's system of value. They are famously and visibly (ἐπιφανές, διαφανῶς) accomplished; their virtues and achievements are themes of permanent, official poetic praise (ἐγκώμια); and they are integrated within the agonistic culture of the city, their honors devolving from competitions (νικητήρια, ἀριστεῖα, τίμιοι) in which they participate. To

be sure, priestesses in Athens and other cities were entitled to special honors in contexts of ritual performance—for example, front seats (*proedriai*) at the Theater of Dionysos—but such distinctions were awarded to the office of the priesthood, not to individual women, as Plato envisions, and nothing in the ancient historical record approximates the extraordinary religious and festival privileges that Plato recommends.[19] That *parrhesia* is made available to women in performance is extraordinary; freedom of speech is especially guarded in Magnesia and in Athens was recognized as the exclusive prerogative of the male citizen: a marked and dangerous speech act, in which the speaker, who is not just a male citizen but ideally the best male citizen, performs critical, reflective commentary on the citizen community.[20] Recall Henderson's claim that in Athenian dramatic festivals "the female spectators . . . at once counted and didn't count, a situation reflecting their overall role from the point of view of the *polis*, and reflecting also the dual role of the theater as exclusively political and inclusively festive."[21] Plato would eliminate such gendered distinctions among the festival participants; as subjects of commemoration, performers, and poets, the women of Magnesia would appear identical to men among the politically relevant community as it is reflected in performance.

What explains the change of perspective and the state of women in performance from Book II to Book VIII, the one omitting women as visible members of the citizen community in performance, their centrality programmatically asserted in the other? The answer lies in the introduction of the program discussed in the previous chapter to subject the lifestyles of women to legal regulation. Plato portrays female nature as inferior with respect to virtue by comparison to male nature, and as a consequence women are more susceptible to moral corruption. Because of its weakness, the female race has become more secretive and cunning, and past legislators have erred in leaving women's lives ungoverned; insofar as women are more corruptible, the failure to legislate exposes the city to a disproportionate degree of moral degradation. Plato claims that women's secretive and sneaky natures will rebel against being forced to live visibly, but the city in which women remain uneducated is a half *polis*, its nomothete a half legislator, and the life of its citizens scarcely half-blessed. Moreover, an ideal city and legislator must not fail to take advantage of the female population as a military reserve. Plato thus insists that women have the same style of life as men; they must convene in public communal dining halls (*syssitia*) and participate in gymnastic education, which, modeled on Athena and mythological Sauromatians, must be exactly 'equal' (ἴσα, 7.804e1) to that of men.

The rationale presented for legislating the lifestyles of women—a peculiar combination of biological essentialism and political utilitarianism, infused throughout with an undercurrent of misogyny and misgivings regarding women's fullest potentialities—may provide an unsatisfying motivational basis for the project of producing a population of educated and ethically accomplished citizen women. For our purposes, however, it must be recognized that Plato's concern in the *Laws* is neither to enlarge women's political opportunities nor to alter their legal standing but neither are the aims of compulsory commensality and education solely pragmatist and motivated by misogyny.[22] Rather, Plato insists that the singular end of the state is that its citizens become virtuous, irrespective of age and gender.[23] His principal concern is therefore to improve the *ethical* lives of women, and he proposes in the *Laws* to address women's moral deficiencies by mandating that they live culturally equal but politically disenfranchised lives. The program to subject the lifestyles of women to legislation bears directly on the differences in the roles given to women in performance at 2.664c–d and 8.829c–e: discussion of the three choruses and oracular mythologists appears prior to the development of that program in Book II; the epinician performances envisaged in Book VIII stand as its end. The proposals made in the intervening books for women's moral improvement and their living public lives leave no ethical distinctions between men and women, and this leads Plato to renegotiate the gendered identity of the *dêmos* and the status of women in the festival community. Indeed, this argument may be taken a step further; for Plato's ethical aspirations for women's lives are, this chapter argues, realized nearly in its entirety in performance.[24] As we shall observe in the next section, poetry, music, song, and dance reveal and effectuate the kinds of lives Plato believes women to be capable of living; women's citizenship—their participation in the collective life of the *polis*—occurs in scenarios of *mousikê*.

6.3 Performance, Performativity, and the Making of Citizen Women

An important distinction to keep in mind as we follow the arc of women's lives in Magnesia's musical institutions is that between perlocution and illocution. Performance may prepare one for citizenship by instilling the habits, beliefs, and ethical orientation required of every member of the citizen community. In this sense, it may be a perlocutionary process of training the performer by socializing her through *mousikê* for the statuses and identities that she enters throughout her life. Performance may, on the other hand, be

an occasion on which the citizen enacts and actualizes her sociopolitical status. The performance, in the latter sense, is in itself identical to the social and ethical state that it achieves. A given performance event may combine both elements: dancing in a religious festival may serve as propaedeutic training for young citizens, while, for the sponsor, poet, or judge presiding over the event, the performance provides the occasion to constitute her own status within the festival context.

The primary divertissement for the youth of Plato's second-best city is choral performance. Indeed, there are intimations of a civic life in performance at the earliest stages of education. While still in the womb, embryos undergo a musical molding, a constant rocking by pregnant mothers who themselves must be kept in motion (7.789b–d). Mothers and especially robust nurses tend children under the age of three, again keeping them in ceaseless motion by visiting temples, the countryside, and relatives (7.789e–790a), a proposal Plato justifies by analogy to choral dances that treat the pathological frenzy caused by the Korybantes (7.790d–791a).[25] Pre- and neonatal *khoreia*, Plato claims, produces strong, handsome children who are fit to consume healthy foods and naturally inclined toward bravery and cheerfulness (7.790c–792e). From ages three to five, children leave the household, together visiting temples under the supervision of twelve elected female overseers and playing "the sorts of games children of their age naturally invent" (παιδιαὶ . . . τοῖς τηλικούτοις αὐτοφυεῖς τινες, ἃς ἐπειδὰν συνέλθωσιν αὐτοὶ σχεδὸν ἀνευρίσκουσι, 7.794a2–4). Terminology for 'games' (παιδιαί) in the *Laws* warrants special attention since it often designates song and dance, acculturating activities that instill a habituated ethical orientation by means of ordered pleasure. At 2.659c–660a, for instance, Plato proposes disguising the ardor of acquiring a correct ethical disposition under the guise of 'games and songs' (παιδιαί τε καὶ ᾠδαί, 2.659e4) that habituate the soul to obedience to law, and at 7.796e–798d 'play' refers to the communal performance of song and dance. In the latter passage, the Athenian Stranger begins discussing "the gifts of the Muses and Apollo" (τὰ τῶν Μουσῶν τε καῖ Ἀπόλλωνος δῶρα, 7.796e4–5), then switches, without apparent change of subject, to address the influence of games (παιδιαί) on the education and development of the youth, insisting that all should be done to prevent the desire "to engage in different representations in songs or dance" (ἄλλων μιμημάτων ἅπτεσθαι κατὰ ὀρχήσεις ἢ κατὰ μελῳδίας, 7.798e5–6). Girls' transition from the household into civic space thus occurs within the institutions of performance.

Chorality continues to play a central role in the formal educational system, which is divided into *mousikê* and *gymnastikê*.[26] From age six, girls no longer play or train in coed groups but are isolated by gender and enter

the city's educational program, where they stay until marrying or joining the military at age twenty (6.785a–b, 7.793d–794c). *Gymnastikê* is divided into 'dance and wrestling' (τὸ μὲν ὄρχησις, τὸ δὲ πάλη, 7.795e1), the former of which further subdivides into two types: in the first, individual dancers "represent the speech of the Muses" (Μούσης λέξιν μιμουμένων, 7.795e2) and aim to instill 'magnificence and freedom' (τό τε μεγαλοπρεπὲς . . . ἅμα καὶ ἐλεύθερον,7.795e2–3). Students perform a second gymnastic dance "on account of the vigor, agility, and beauty" (εὐεξίας ελαφρότητός τε ἕνεκα καὶ κάλλους, 7.795e3–4), stretching the limbs and producing a 'graceful rhythmic motion' (εὐρύθμου κινήσεως, 7.795e6) required for all dancing. A seminal passage on gymnastic dance selects genres particularly suited to the production of the citizens' ethical cultivation, including armed games (ἐνόπλια παίγνια, 7.796b5)—namely, mimetic representations of the Kouretes and Dioskoroi, and of Athena "delighting in the play of choral performance" (εὐφρανθεῖσα τῇ τῆς χορείας παιδιᾷ, 7.796b6–7):

> These are the sorts of things that would be entirely fitting for the boys and also the girls to imitate, as they honor the graciousness of the goddess, for the sake of their use both in war and in festivals (ἃ δὴ πάντως μιμεῖσθαι πρέπον ἂν εἴη κόρους τε ἅμα καὶ κόρας, τὴν τῆς θεοῦ χάριν τιμῶντας, πολέμου τ' ἐν χρείᾳ καὶ ἑορτῶν ἕνεκα). Presumably, it would be required that from the very beginning of their lives, and throughout all the time that passes until they go to war, children must always be arrayed with weapons and accompanied by horses as they make processions and ceremonial marches in honor of each of the gods (πᾶσι θεοῖς προσόδους τε καὶ πομπὰς ποιουμένους). Thus with quick and slower steps, in the dances and processions (ἐν ὀρχήσεσι καὶ ἐν πορείᾳ), they will make their supplication to the gods and the children of gods. It is for no other ends—if for any—that contests and preparatory contests ought to be waged. For these are useful in peace and war, in the political regime and in the private households (καὶ ἐν εἰρήνῃ καὶ κατὰ πόλεμον χρήσιμοι εἵς τε πολιτείαν καὶ ἰδίους οἴκους); but other labors, games, and serious bodily exercises are not for free persons (οἱ δὲ ἄλλοι πόνοι τε καὶ παιδιαὶ καὶ σπουδαὶ κατὰ σώματα οὐκ ἐλευθέρων). (7.796c2–d5)

At 7.813e2–814a5, a passage discussed in the previous chapter, Plato also rationalizes the inclusion of girls in the city's educative performances with

reference to martial expediency. As both 7.796c–d and 7.813e–814a suggest, such prudential consideration justify the inclusion of women in Magnesia's performance culture as well.[27] Insofar as choral dance offers athletic and military conditioning, it trains women for armed service and addresses the concern (discussed in the previous chapter) that prior legislators have failed to exploit the female population as a reserve force. Yet, dance, even in its most militaristic iterations, is overdetermined with manifold functions, bringing together within a single field numerous principles that subtend Plato's treatment of women's education and legal and political opportunities. As the ethical and mimetic terminology suggests (μεγαλοπρεπές, ἐλεύθερον, μιμήματα, μιμεῖσθαι), pyrrhic dance does more than train the citizen physically or psychologically for the demands of battle. By imposing specific mimetic *tropoi* and *skhêmata* on the body and psyche, dance shapes the soul's *ethos* (2.654b–d, 2.655b). Taught publicly to represent courageous actions and characters in choral performance, the young women of Magnesia will be predisposed to re-enact—in peace and war, in public and the private household—the noble, liberal forms learned in *khoreia*. Pleasure and beauty, central throughout this study and in Plato's late psychology, are also key in women's ethical choral fashioning. Through the coordination of rhythmic bodily motion, choral dance habituates the soul to experience aesthetic joy (*khara*) in the representation of aesthetically and ethically fine (κάλλους, εὐρύθμου κινήσεως) actions. The goal is to prepare young women to display in themselves, delight in, and unconsciously to endorse the phenomenal properties of goodness. The female choral persona is thereby assimilated to the male choral persona—the youth rehearsing for citizenship—eliding the performers' gendered identities and habituating young women to a performative model that evokes and communicates masculine virtues: bravery, magnificence, liberality.

Not all choral pleasures are athletic; dance and ritual play are also pivotal in women's sociosexual formation. Marriage and motherhood are the principal vocations for Magnesia's citizen women, and the assumption of that status is effected through performance:[28]

> On account of marital companionship and intermingling, it is necessary to eliminate ignorance of brides' families, the brides themselves, and families into which daughters are married (παρ' ὧν τὲ τις ἄγεται καὶ ἃ καὶ οἷς ἐκδίδωσιν); for it is extremely important not to err in these types of affairs as much as possible. For such serious business games (παιδιάς) must be arranged in which young men and women dance

> in choruses (χορεύοντάς τε καὶ χορευούσας κόρους καὶ κόρας), viewing one another and being viewed (θεωροῦντάς τε καὶ θεωρουμένους) reasonably and at times that provide appropriate opportunity, both sexes unclothed so far as everyone's restrained modesty permits (γυμνοὺς καὶ γυμνὰς μέχριπερ αἰδοῦς σώφρονος ἑκάστων). (6.771e1–772a6)[29]

Although inheritance law in Magnesia, as we observed in the last chapter, privileges the male patriarch as the sole heir and owner of property, epigamic choral dances operate according to a different set of principles. Female participants in marriage and prenuptial performance are neither favored above nor overlooked by comparison to the male as having an interest in knowledge of their prospective partners. In other words, in performance—if not in law—what Plato does not admit is a prioritizing of the male gaze; both genders are equally exposed, objectified, and spectating in the performative process.[30]

Moreover, by kindling and harnessing sexual energy within a framework of heterosexual reproduction and marriage, epigamic dances provide a musical corrective to the 'paranatural' homoeroticism that Plato has diagnosed as vitiating especially Spartan customs (1.637c). A later passage suggests that Magnesia's performance culture—daily competitions, dances, and sacrifices, interspersed with nude choral festivals—might in fact prove too scintillating and might lead to an overabundance of sexual enthusiasm in the youth (8.835d–e). Paradoxically, Plato proposes utilizing another dimension of performance to tame the erotic energy generated by performance; just as poetry (even tragedy and comedy) promotes a taboo against incest, the myths, songs, and speeches of Magnesia will convince the citizens (even the athletes) to avoid sex except for purposes of eugenic reproduction (8.838a–839d).

If dance is a first step to the institution of marriage in the *oikos*, it is also a bridge to *polis* in its collective identity. As Cecarrelli has argued, "[w]hat seems to link all the contexts [of pyrrhic dance] is *(re)integration: of youth among citizens*, as in the Tauropolia or in the Apatouria, whose myth concerns the fight, victory, and *integration of a young warrior into the social system*; of bonds in life after the rupture of death; of order after disorder and savagery, in the case of a New Year's festival such as the Panathenaia" (emphasis added).[31] Both 7.796b–d and 7.813e–814a also point to the integrative and restorative function of girls' and women's performances. In the movement from schools to temples—a movement that mirrors the progress from childhood to adulthood—young girls parade in the military and religious signs of the roles that they are expected to fulfill as adult citizens. While Magnesian

festival involves the youth in a process of identity formation, it simultaneously revives in the elderly the values they acquired while young, providing an authoritative vision of intergenerational cohesion and civic unity within the *polis* community (cf. 2.653c–654a).

If the frame for women's performative lives is thus bounded by the *polis*, it is also sanctified by the city's religion. *Pyrrhikê* is an embedded phenomenon, its significance derived from the religious occasion on which it occurs.[32] Dances and processions by which bodies are exercised simultaneously serve as acts of devotion, useful, as 7.796c–d and 7.813e–814a suggest, in 'war and religious festivals,' 'peace and battle, both for the political community and private households.' Women's performances must therefore be situated in a context that transcends affairs of war and politics, as well as the utilitarian arguments that Plato offers to advocate their martial education:

> The fact is that in war there is not and will not be by nature (πεφυκυῖα) either play or, again, an education that is at any time worthy of our discussion; yet this is what we assert is for us, at least, the most serious thing (σπουδαιότατον). Each person should spend the greatest and best part of life in peace. What then is the correct way? One should live out one's days playing at certain games (παιδιάς)—sacrificing, singing, and dancing (θύοντα καὶ ᾄδοντα καὶ ὀρχούμενον)—with the result that one can make the gods propitious to oneself and can defend oneself against enemies and be victorious over them in battle. (7.803e1–4)

Here Plato exposes a basic principle that subtends the *Laws*' ostensibly martial culture; although necessary on pragmatic grounds, the winning of wars and the production of a citizen military are subordinate means to living a virtuous, pious, and peaceful life. For Plato, life in the city is not an end itself; because Plato accepts the immortality of the soul, as Bobonich argues, "the ultimate goal of each human being is transpolitical."[33] To the degree that peace and celebration are the ends of war and that sacrifice, song, and dance bear directly on the soul's transpolitical end, the women of Magnesia are to be prepared in performance for what Plato regards as the most significant (σπουδαιότατον) dimension of human life, its transpolitical end.

Plato also keys into the properties of cult that rendered it a space in which women participated in public to a degree unavailable in politics. In Athens, women were afforded a kind of 'cultic citizenship,' and priesthoods remained seminal institutions in which (especially aristocratic) women maintained

social influence.[34] Officials in Magnesia organize 'choruses, musical competitions, athletic contests, . . . and women's festivals (γυναικείας . . . ἑορτάς), specifying how many should take place apart from men (χωρὶς ἀνδρῶν), how many not' (8.828c2–6). Plato's model appears to be such festivals as the Arkteia at Brauron, which occurred in the hinterlands of Attica, and the Thesmophoria, in which women occupied the Athenian Acropolis and which coincided with the suspension of normal political and economic activity.[35] Plato's indebtedness to the Arkteia and the Thesmophoria, however, points up a contrast between women's coming of age and fertility rituals in Athens and women's festivals in Magnesia; the latter neither occur in the city's geographical periphery nor represent aberration and inversion of civic norms. Women's festivals in Magnesia are rather normalized within the city's religious calendar and chartered by the Pythian oracle, a localization of Panhellenic religion (8.828a, cf. 12.947d).

It is in the context of women's performances as representing not alterity but conformity to the city's normal religious calendar that we must consider the three passages that have been central to the debate on the presence of women in the Athenian theater. Plato claims that in a competition among puppet shows, comedians, tragedians, and epic poets, "the women who are educated, the young men, and probably the majority of everyone" (αἵ τε πεπαιδευμέναι τῶν γυναικῶν καὶ τὰ νέα μειράκια καὶ σχεδὸν ἴσως τὸ πλῆθος πάντων, 2.658d3–4) are likely to vote in favor of tragedy. A later passage argues that no woman should be caught 'learning' (μανθάνοντα, 7.816e7–8)—that is, rehearsing and preparing to perform—comedy. In the third passage, the Athenian Stranger refuses to permit tragedians to set up stages in the marketplace and "address the children, women, and all the masses" (δημηγορεῖν πρὸς παῖδάς τε καὶ γυναῖκας καὶ τὸν πάντα ὄχλον, 7.817c4–5) before having examined and approved their works. For Henderson, Plato's cataloguing of *gynaikes* among an audience of men, children, and the elderly confirms the presence of women in the tragic audience by mid 350s BCE.[36] Goldhill contends that Plato's goal is to disparage Athenian culture by implying that their purportedly serious genre speaks powerfully to women and children. The *Laws*, Goldhill insists, "tells us nothing about the great Dionysia in Athens, though much about Plato's rhetoric of denigration."[37] If, as Goldhill suggests, these lines reveal more about Plato's dismissive posture toward Athenian performance culture and less than we should wish to know of the composition of the audience in the Theater of Dionysos, they also underscore a problem with dismissing the *Laws* as evidence for women in the Athenian theater. Few ancient writers diagnose

more acutely the interdependency of democracy and Athenian drama. For Plato, Athenian political institutions and dramatic festivals give rise to the same psychological states, relationships of political and spectatorial power, critical discourses, and modes of ethical and aesthetic evaluation. Democracy is said to have emerged from the rule of the spectator (*theatrokratia*) in the theater (3.700b–701e). Few ancient writers, moreover, criticize more perceptively the debilitating position of women in Athens and the Greek-speaking Mediterranean (7.805d–806c). Plato might therefore be expected to have given some indication that women were legally debarred from the theater audience. Instead, the most thoroughgoing critic of both the Athenian dramatic audience and the condition of women in the ancient Greek *polis* takes for granted that women attended the theater, insisting that dramatic genres speak to women no differently than to citizen men and suggesting at 2.658d and 7.816e–817c that there is nothing unusual in the idea of women in the audience. No hint of juridical distinction is given in the *Laws*' references to Athenian theater—the point is made all the more forcefully to the degree that Plato's comments appear off-hand. The assumption is, rather, that women are indistinguishable from the most typical spectator, that their experience of tragedy and comedy parallels exactly that of the ideal Athenian citizen community in its collective capacity (τὸ πλῆθος πάντων, τὸν πάντα ὄχλον).[38]

For our purposes it must be noted that the uniformity of aesthetic preferences shared by the male and female Athenian populace provides Plato an adaptable instrument of social criticism and reform. It may, on the one hand, be leveled against the democracy as point of derision, as in *Gorgias* 502b–d, in which drama is said to emerge as a pandering rhetoric of flattery, tailored indiscriminately to women and men, slave and free.[39] On the other hand, the assumption that Plato makes regarding Athenian women—that their perspective on Athenian drama is indistinguishable from that of citizen men—becomes programmatic in the performance culture of the *Laws*. As Chapter 4 has shown, citizenship is played out and defined in opposition to non-citizen status in the space of the theater. When performance divides the enfranchised citizen from the 'other,' Plato assumes, however, that women must be seated side by side with men as spectators, both defined in contradistinction to the non-citizen performers. What this suggests is that for Plato the exclusivity of the citizen audience is defined in ethical, rather than political or gendered, terms. Political and social hierarchies are determined in the *Laws* according to capacity for virtue, and yet as we observed in the previous chapter, virtue alone does not fully account for the differentiated positions available to women in Magnesia's governmental and legal institutions.[40]

It does, however, explain the identity between citizen men and women in Magnesia's performances. The program to revise women's ethical lives and to lead them to live virtuously results in the consolidation of a citizen gaze, in which members of the Magnesian community, irrespective of gender, sit in the audience of comedy and learn to avoid vice by observing the depraved and shameful actions dramatized by non-citizen, metic, and slave performers on stage. Henderson's "dual role of the theater as exclusively political and inclusively festive" has been rewritten in the *Laws* as a distinction between the virtuous citizen—male and female—and the debased slave and metic. In performance, female spectators count as members of the *ethically* significant audience, reflecting their overall role from the point of view of the *polis* as capable of virtue, and reflecting also Plato's principally ethicizing and only secondarily politicized interpretation of Athenian theater.

This is not to suggest that Plato's understanding of performance is apolitical, but that politics is not the whole story. Yet, there are dimensions of *mousikê* that, for Plato, obey strictly political principles—principles that cannot be grounded by reference to a theory of the city as a meritocracy ordered by virtue. Throughout the discussion of performance, Plato mentions the Director of Education, Law Wardens, and rulers (*arkhontes*) who grant the freedom to compose poetry to citizens of outstanding virtue. Authority in performance thus rests not with the poets or performers but with lawmakers and political administrators, and to determine the full extent of women's enfranchisement in performance, it is necessary to consider the magistracies overseeing festivals, song, and dance, and ask whether women fill any of the latter positions as well. Schematically, these include the following:

(i) Priestesses: Drawn from rural and urban populations and no younger than sixty (6.759b), Magnesia's priesthood is a superannuated group even by the *Laws*' gerontocratic standards.[41] As a number of passages cited above indicate, priestesses figure as supervisors of, and participants in, performance; they ensure that no one proposes new hymns and forms of *khoreia* and debar those who do from religious festivals (7.798e–799b).

(ii) Officials of solo and choral performance: Two *arkhontes* (6.764c6) are to be chosen to supervise the institutions of *mousikê*. The first, who must be no less than thirty, has authority over 'monodic and mimetic music, such as rhapsodes, kitharodes, auletes, and all such performers' (6.764d7–e2). The second, no less than forty, supervises competitions in 'choral song' (χορῳδίαν, 6.764e3), that is, "the games of choruses of

children, men, and young women in dances and all music that occurs with order" (τὴν τῶν χορῶν παιδιὰν παίδων τε καὶ ἀνδρῶν καὶ θηλειῶν κορῶν ἐν ὀρχήσεσι καὶ τῇ τάξει τῇ ἁπάσῃ γιγνομένῃ μουσικῇ (6.764e3–5). The *arkhontes* of choruses also arrange prenuptial dances (6.771e–772a). Any citizen wishing to participate in elections for either office may vote, and those who regularly show interest in music are required by law to do so. Candidates are selected solely for their musical expertise, and Plato gives no indication of whether these *arkhontes* may be drawn from among citizen women. One might conjecture that they would, particularly given that the sole criterion for office is expertise and that (as we observe below) Plato expects the women to attain high a level of musical competency. Yet, such a conjecture would perhaps force the text to clarify an issue that Plato, for whatever reason, has neglected to address.

(iii–iv) Law Wardens and the Director of Education:[42] There are no philosopher kings in Magnesia, but the Director of Education is perhaps the closest approximation; he and those who choose him are to believe that "of the highest offices in the city, this office is by far the most important" (πολὺ μεγίστην, 6.765e1–2). Plato refers to such officials as "supervisors of the organization of exercises and schools, the educational system, and, together with the supervision over these matters, also [the supervision] over the attendance and housing of men and young women" (γυμνασίων καὶ διδασκαλείων ἐπιμελητὰς κόσμου καὶ παιδεύσεως ἅμα καὶ τῆς περὶ ταῦτα ἐπιμελείας τῶν φοιτήσεών τε πέρι καὶ οἰκήσεων ἀρρένων καὶ θηλειῶν κορῶν, 6.764c9–d2). At any given point there is one such "director of the entire education of women and men" (ὁ τῆς παιδείας ἐπιμελητὴς πάσης θηλειῶν τε καὶ ἀρρένων (6.765d4–5) who must be 'a father (πατήρ) of legitimate children, to the greatest extent possible of sons and daughters, if not, either' (6.765d7–8). Candidates are drawn from among the Law Wardens; only those who have held political office are permitted to vote, charged with selecting "the one who of all those in the city is the best in every capacity" (τῶν ἐν τῇ πόλει ὃς ἂν ἄριστος εἰς πάντα ᾖ (6.766a7–8); and he remains in office for five years (a long-term appointment by Magnesia's standards). Alongside Law Wardens, the Director of Education and the *arkhontes* of choruses vet new and foreign compositions, serving as a filter between Magnesia's performance culture and those of the outside world.[43] As the city's highest archon, the Director of Education has been at the

crux of the debate over the political status of women in the *Laws*. It has been assumed that one way to assess the political position of women in Magnesia is to determine whether they may hold this particular office. That paternity is among the main criteria suggests that they may not, as does the fact that candidates are drawn from the Law Wardens, who are also only citizen men.[44] Such restrictions have not deterred scholars from inserting Magnesia's women into the directorship and dismissing the criteria of gender and fatherhood on the basis of the argumentative structure of the dialogue.[45] According to this line of thought, these and other top governmental positions appear unavailable to women, because at Book VI, the point at which the offices are introduced, Plato has not yet argued, as he does in Book VII, for women's equal education and civic participation. The argument in Book VII for eliminating distinctions between the lives of citizen women and men would thus work retroactively, applying to all political offices.[46] This approach, as we observed in the last chapter, gains some credibility from the fact that Plato follows a similar strategy in the *Republic*, introducing the guardian class, philosopher kings, and their forms of education in Books II–IV, but only in Book V arguing that women ought to develop into philosophers and consequently should be educated and considered eligible for political office.[47] Yet, the retroactive argument for women's holding political office is explicit in the *Republic*; it is nowhere flagged in the *Laws*. Saunders, on the contrary, is right to suggest that the reverse situation might well obtain; it is more likely that "Plato assumes that all high offices will be held by men, and that this one office is singled out, for obvious reasons, for the tighter requirement that they be fathers as well."[48]

(v) Examiners: Fifty-year-old 'Examiners' (δοκιμαστάς, 7.802b1) review, censure, or revise ancient compositions, and direct all forms of dance, song, and choral song-dance (7.802a–c). No indication is given whether women might hold this office.[49]

(vi) Assistants to the Director of Education: 'The law has allowed and will allow [the Director of Education] to choose as assistants in his commission [of overseeing Magnesia's musical performances] whichever citizen men and women he wishes' (τῶν πολιτῶν ἀνδρῶν καὶ γυναικῶν οὓς ἂν ἐθέλῃ (7.813c6–8). Of course, the Director of Education might not choose any women as his subordinates, but Plato at least expects citizen women to be sufficiently qualified to assume the responsibility.

(vii) Chorus of Dionysos: Again uncertain because introduced several books prior to the programmatic discussion of women. Ought we to presume that Plato meant for women to hold these offices but never got around to stating it explicitly? If so, we must assume that Plato intended, but failed to mention, an authoritative, philosophically trained chorus of women who enchant the city through their performances, censure literary and musical works, and practice a refined poetic criticism in exclusive symposia—a rather glaring omission on Plato's part.

From this survey there emerges a consistent pattern: although women participate throughout the city's institutions of performance, thereby acquiring and instantiating their social positions and ethical virtues, divergences in gendered roles are especially prominent in respect to highest positions of narrowly political authority in performance. Offices that govern performance and composition tend to be reserved for men, and if they are not explicitly unavailable to women, the interlocutors rarely and only indirectly specify whether women might (or must) serve. It is often left to the reader to insert women into positions that are neither unambiguously open nor closed to them. Priestesses are the sole exception, holding office by virtue of a combination of divine charter and moral and genetic integrity, rather than technical expertise, and we return to priestesses in the next section. Plato otherwise fails to mention, and in some cases precludes, the possibility of women presiding over Magnesia's performance culture. One may wish to read Magnesia's performance culture inclusively by invoking passages, discussed in the previous chapter, that rail against *poleis* in which women are left uneducated and which realize but half of their citizens' potential. But we cannot be certain whether Plato's insistence that the lives of women be modeled on those of men is meant to apply beyond the immediate context of the military, commensality, education, and the city's performances. In other words, the administration of *mousikê* as an institution of state integrated into the organs of government operates according to principles of gender differentiation that Magnesia's performance culture otherwise suspends. There is a point at which educational, pragmatist, and religious concerns end and political prerogatives take precedence. Women prepare for and enact citizen-defining virtues, but, as Annas claims, they take no part in any political process—including those of performance. The result is a portrait of women's songs and dances that reflects a fundamental tension in Magnesia's design—the tension between a project radically to revise women's ethical lives in education, the military, and religion, on the one

hand, and Plato's approach to the making of a second-best city from political institutions in which women were subordinated and nonparticipants. What is envisioned for Plato's second-best city are for the most part integrated musical institutions for men and women, in which the very practices that train women to acquire citizen-defining virtues and to lead the same kinds of lives as men nevertheless confirm, and conform to, the exclusion of women from Magnesia's narrowly political institutions.

6.4 'Cultic Citizenship' Revisited: Lament and the Female Voice

If women in Magnesia are socialized and taught masculine virtues in traditionally male performance genres and scenarios, Plato also recognizes the unique value of the female voice in the performative articulation of civic virtue. Women can say things in music, poetry, song, and dance that men cannot, or cannot say as well, and in the *Laws*' final discussion of *mousikê*—the elaborate funerals for the Auditors (*euthynoi*), elected officials who are also priests of Apollo and Helios—he portrays the city as a consonance of male and female voices and roles:

> When [the Auditors] die, they are to have laying-outs, funeral processions, and groves that are distinguished from those of the rest of the citizens: all the clothing is to be white, and it is to take place without dirges and lamentations (θρήνων δὲ καὶ ὀδυρμῶν χωρίς), and instead a chorus of fifteen girls and another of males (κορῶν δὲ χορὸν πεντεκαίδεκα καὶ ἀρρένων ἕτερον) are each to stand around the bier and sing praise in responsion, in the form of a poetic hymn, to the priests (οἷον ὕμνον πεποιμένον ἔπαινον εἰς τοὺς ἱερέας ἐν μέρει ἑκατέρους ᾄδειν)—declaring them happy (εὐδαιμονίζοντας) in song for an entire day. At dawn the next day, the bier itself is to be carried to the burial by a hundred of the young men from the gymnasia (ἑκατὸν τῶν νέων τῶν ἐν τοῖς γυμνασίοις), chosen by the deceased's relatives. First in the procession are to be the unmarried youths (τοὺς ἠιθέους), each clothed in his military garb—cavalry with their horses, heavily-armed infantry with their heavy armor, and the rest similarly—and around the bier itself are to come, in front, boys (παίδας δὲ . . . ἔμπροσθεν) singing the paternal song (τὸ πάτριον μέλος ἐφυμνεῖν), and following behind, girls and any of the adult women who may happen to have passed the age of child-bearing

> (καὶ κὸρας ἑπομένας ἐξόπισθεν ὅσαι τ᾽ ἂν γυναῖκες τῆς παιδοποιήσεως ἀπηλλαγμέναι τυγχάνωσιν); after these, priests and priestesses are to follow, on the grounds that the tomb is unpolluted (ἱερεας τε καὶ ἱερείας ὡς καθαρεύοντι τῷ τάφῳ ἕπεσθαι)—even though they avoid the tombs of the rest—if, that is, the Pythian should vote thus and in this way. Their grave is to be constructed underground, in the shape of an oblong crypt made of stones that are porous and as lasting as possible, and it is to have stone couches lying next to one another; when they have laid him who has become blessed (τὸν μακάριον γεγονότα) there, and heaped up dirt around in a circle, they will plant a grove of trees around, except at one extremity, so that the tomb may for the rest of time increase in this direction, where dirt will be needed to cover those placed there. Each year they will dedicate to them a contest in music, in gymnastics, and horsemanship. (12.947b3–e5)

Of particular concern are the subject positions sanctioned respectively for women and for men on each day of the funeral. On the first day, the choruses of fifteen young women (κορῶν) and as many men (ἀρρένων) share prominent, complementary positions around the altar. On the second day, however, status divisions by gender are mapped directly onto the processional performance. Unmarried men carry the bier; the male cavalry, hoplites, and light infantry lead the procession; a chorus of boys processes closest to the casket; and adult males in their explicitly political capacity as priests and governmental officials are present symbolically in the deceased Auditors whom the city celebrates. Girls and women beyond childbearing years are positioned at the event's periphery. Behind them follow the priests and priestesses, among whom there is no gendered distinctions obtain. The portrait presented in the two-day funeral—of complementarity of gender unfolding to reveal political divisions within the civic institutions of performance—affords the male citizen the central positions within the city's self-projection. We have observed that Plato aims to eliminate ethical difference between men and women through choral performance, and to cast young women in pyrrhic dance as members of the military. Women thus participate in the dissemination and assumption of civic values, but in funerary contexts—and, to be clear, the funerals of the Auditors are singled out as symbolically representative of the city as a whole—their distribution points to a programmatic marginality. Notably missing, moreover, from the funerary performance are precisely the types of women that Plato has been crafting throughout the dialogue: the female in her martial and

maternal capacities. All stages of masculinity are on display—boys, citizen soldiers, political leaders—but warrior maidens, (married) women of reproductive age, and mothers appear nowhere in the funeral, an absence heighted by the centripetal position occupied the chorus of young women on the first day and by the inclusion of the elder, post-reproductive women on the second.

How, then, to explain the omission of the archetypal—reproductive and militarized—female from the funeral of the Auditors? The interdiction of ritual lamentation provides an interpretive key; for the burial rituals offer a Platonic recasting of Solonic funerary laws, which are preserved in two later authors: the pseudo-Demosthenic *Against Markartatus* and Plutarch's *Solon*. Both merit quoting at length:

> The deceased shall be laid out in the house in any way one chooses, and they shall carry out the deceased on the day after that on which they lay him out, before the sun rises. And the men shall walk in front, when they carry him out, and the women behind. And no woman less than sixty years of age (ἐντὸς ἑξήκοντ' ἐτῶν γεγονυῖαν) shall be permitted to enter the chamber of the deceased, or to follow the deceased when he is carried to the tomb, except those who are within the degree of children of cousins (ἐντὸς ἀνεψιαδῶν); nor shall any woman be permitted to enter the chamber of the deceased when the body is carried out, except those who are within the degree of children of cousins (ἐντὸς ἀνεψιαδῶν). ([Dem.] 43.62, trans. A. T. Murray)
>
> [Solon] also subjected the public appearances (ἐξόδοις) of the women, their mourning (πένθεσι) and their festivals (ἑορταῖς), to a law which did away with disorder and license (τὸ ἄτακτον καὶ ἀκόλαστον). When they went out, they were not to wear more than three garments, they were not to carry more than an obol's worth of food or drink, nor a pannier more than a cubit high, and they were not to travel about by night unless they rode in a wagon with a lamp to light their way. Laceration of the flesh by mourners (ἀμυχὰς δὲ κοπτομένων), and the use of set lamentations (τὸ θρηνεῖν πεποιημένα), and the bewailing (τὸ κωκύειν) of any one at the funeral ceremonies of another, he forbade. The sacrifice of an ox at the grave was not permitted, nor the burial with the dead of more than three changes of raiment, nor the visiting of other tombs than those of their own family, except at the time of interment. (Plut. *Sol*. 21.5–7, trans. B. Perrin)

Neither account exactly mirrors the *Laws*, but it is clear nonetheless that Plato has incorporated—and adapted—Solonic law to suit his philosophical ends. The two-day temporal structure of the ritual, the processional order (men in front, women behind), the focusing of the event on the family of the deceased, the restrictions that target women (notably the admission of women over sixty and the ritual separation of women—especially, in their maternal and reproductive capacities—from pollution)—all have precedents in Solon's legislation as [Demosthenes] records it.[50] Plato shares with Plutarch's ethicizing and sartorially obsessed account—which expands Solonic funerary law to address all dimensions of women's publicity in Athens—attention given to dress and the censuring of threnody (θρήνων; cf. τὸ θρηνεῖν πεποιημένα).[51] Plato thus draws Solonic funerary law to replace the mourning, chthonian valence of epicedian song with the worship of Olympian and heavenly bodies—Helios and Apollo—a gesture toward the cosmological theology of Book X that extends the *Laws*' project of casting the genre of threnody as unsuitable for performance, except by non-citizen mourners hired from abroad.[52] But, crucially, the Platonic appropriation of Solonic law also marks breaks from Athenian custom. In particular, Plato's adaptation of Athenian funerary form undoes its gendered ideological coding and counters the blanket silencing of women that Plutarch attributes to Solon. According to Plutarch's account, Solon transformed aristocratic funeral into an intensely private affair, but in Plato funeral is purposively public. Where Solon constrains the presence of women in performance to elders closely related to the deceased, Plato widens the celebrant community to include women of distant or possibly no relation; for although the members of the procession are chosen by next of kin, it is not clear that the girls' chorus or the elder females must be drawn from the deceased's family. The chorus of girls in particular affords younger women, debarred by Solonic law, positions of centrality in the commemorative burial rites. Since women are required to perform in athletic and choral contests, we may also envision hero cult—Plato's ostensible model for the monumental *tholos* tomb and annual commemorative competitions—in which young women's gymnastic dances take place. The result, which significantly expands the roles available to female performers, is a programmatic rejection of the Solonic notion that virtue in women necessitates invisibility.

This begs the question of why Plato would take the trouble to introduce women into public funerary contexts—particularly given that their traditional genre, threnody, encodes values of which the *Laws* is critical, and that women in their maternal and military capacities have been ablated from the

ritual? To address this question, we must digress momentarily to a separate passage in which Plato offers insight into the expressive content of the female voice, explaining its significance in the poetic and musical representation of virtue by reference to harmonic and modal theory:

> Moreover, it would presumably be necessary to distinguish the songs fitting for females from those fitting for males (θηλείαις τε πρεπούσας ᾠδὰς ἄρρεσί τε χωρίσαι) by differentiating according to some principle of classification (τύπῳ τινὶ διορισάμενον), and it is necessary to harmonize them with *harmoniae* and rhythms. . . . Now both kinds of songs must be assigned certain necessary accompaniments; and since what belongs to females is determined by the very way they differ in nature (τὰ δὲ τῶν θηλειῶν αὐτῷ τῷ τῆς φύσεως ἑκατέρου διαφέροντι), one must make use of this difference in order to make clear (τούτῳ δεῖ καὶ διασαφεῖν) [the differences in the songs]. Magnificence, then, and whatever inclines to courage (τὸ δὴ μεγαλοπρεπὲς οὖν καὶ τὸ πρὸς τὴν ἀνδρείαν ῥέπον), ought to be declared to be masculine in appearance (ἀρρενωπὸν φατέον εἶναι); whatever leans rather toward the orderly and the moderate (τὸ δὲ πρὸς τὸ κόσμιον καὶ σῶφρον μᾶλλον ἀποκλῖνον) should be handed down (παραδοτέον), in legal convention and in speech (ἔν τε τῷ νόμῳ καὶ λόγῳ), as belonging more to the feminine (θηλυγενέστερον). (7.802d8–e11)

The exact rendering of this corrupted passage remains problematic, but the main force of its argument is sufficiently clear; the 'natural' difference (τῷ τῆς φύσεως ἑκατέρου διαφέροντι) between male and female offers a principle by which to establish or 'elucidate' (διασαφεῖν) a principle of ethicized musical taxonomy.[53] If, as I suggest, magnificence (μεγαλοπρεπές), that which inclines to courage (τὸ πρὸς τὴν ἀνδρείαν ῥέπον), the orderly (κόσμιον), and the moderate (σῶφρον) are to be understood as the phenomenal characteristics of bravery (*andreia*) and temperance (*sôphrosynê*) in musical media, Plato appears to believe that in music—and perhaps in all law and discourse (τῷ νόμῳ καὶ λόγῳ)—men are 'naturally' suited to the expression of certain virtues, and women to others.

Are we also to conclude from Plato's gendered harmonic theory that the virtues of temperance and bravery are gendered as well? Might we conjecture that paradigms of behavior—not just rhythms, harmonies, meters, musical modes—are for Plato naturally appropriate for men and others for women? As we observed in Chapter 2, mimetic art is said in the *Laws* to bear an essential relation to the actions it dramatizes and to the values encoded by those

actions.[54] Plato argues that 'all dance forms and melodies that partake of virtue of the soul or body—whether of virtue itself or to an image of it—are beautiful [*or* fine], and those that partake of vice are entirely the opposite' (2.655b3–6). Rhythm, harmony, form, and mode bear properties that also inhere in ethical behavior; music, poetry, song, and dance may therefore be deemed beautiful (or vicious) by virtue of sharing (or lacking) the good-making properties of the virtuous figures that they represent. Thus, when Plato asserts at 7.802d–e that orderliness and modesty befit feminine nature, the frame of reference extends beyond music; *mousikê* is but one field among many in which properties of virtue may be conceptualized as gendered. Just as certain melodies and songs are naturally feminine, so too one might conclude that certain kinds of ethical behavior might be treated in law and discourse as appropriate to women.

Plato's language is not unqualified, and the force of the verbal adjectives (φατέον, παραδοτέον) does not amount to a comprehensive theory of gender as natural predisposition toward the expression of certain aspects of virtue.[55] In practice, however, the perlocutionary and illocutionary effect of performance would amount to the same. Genres that prepare performers for the civic roles that the participants are in the process of assuming also construct the performer in the act of performance. Irrespective of whether Plato believes women to be inherently inclined toward modesty and men toward bravery, performance in Magnesia promotes and naturalizes specific notions of proper male and female ethical behavior. Plato need not argue that particular aspects of virtue are essentially gendered for the program of *mousikê* to perpetuate that belief. By performing on stage, citizen women become modest, self-restrained, and decorous, while their male counterparts become magnificent, bold, and courageous. By the same rationale, virtue will be understood and experienced phenomenologically as gendered, notwithstanding its disembodied properties.

One lingering concern is the degree to which the qualities of virtue assigned in performance to men and women, respectively, are ranked according to an implicit hierarchy of valuation. That is, are women's performances of modesty and restraint to be deemed inferior with respect to the masculine performance of courage and magnificence?[56] Perhaps for Plato's aristocratic readership the answer would be affirmative, but evidence inside the *Laws* and from other dialogues militates against privileging masculine performances of martial valor over feminine performances of modesty and self-restraint. It is clear from 1.630e–632d—a passage that sets the agenda for the dialogue and subverts Laconizing classifications of

virtue—that all citizens, irrespective of age and gender, must cultivate the totality of *aretê*, not any one of its constituent parts, and that *andreia* is ranked lower than *sôphrosynê* as the 'basest' (φαυλότατον, 1.630e2) of virtues. As we have observed earlier, girls and boys acquire *megaloprepia* and train in bravery in pyrrhic dance, and both are equally regulated by considerations of modesty and temperance during epigamic choral performances. In the *Republic*, Plato observes that the "rhythms of the orderly and brave life" (βίου ῥυθμοὺς . . . κοσμίου τε καὶ ἀνδρείου, *Resp*. 3.399e10–11) serve as the metrical basis for the musical education for the guardian class—again irrespective of gender—suggesting that both aspects of virtue complement each other indispensably in the habituation of the passions. In the *Statesman*, a dialogue that shuttles between analogies of politics to sewing and to music, Plato argues that statesmanship is the art of weaving together opposed aspects of virtue, and that true political practice (πολιτικὴ πράξις) achieves civic cohesion and happiness (*eudaimonia*) by "intertwining . . . the dispositions of brave and moderate people" (συμπλακὲν . . . τῶν ἀνδρείων καὶ σωφρόνων ἀνθρώπων ἦθος, *Plt*. 311b8–9).[57] The political art interweaves antithetical virtues in the souls of the citizens by fostering true beliefs and by installing leaders who manifest in themselves the combined virtues that they maintain within the *polis*. To the degree that the *Laws* picks up strands from the earlier dialogues, hierarchy is a misleading hermeneutical metaphor, since both virtues are required for the flourishing of the city. Unique to the *Laws*, however, is that the balancing of bravery and modesty, magnificence and orderliness is conceptualized in both musical and gendered terms, displacing onto *mousikê* the ethical imperatives developed in earlier dialogue and employing women's performances to harmonize antithetical virtues.

To return to the funeral of the Auditors, we may observe in 12.947b3–e5 a mapping of the oppositive structure of virtue onto the oppositive structure of gender. The first day of the funeral involves men's and girl's antiphonal song (ἐν μέρει ἑκατέρους ᾄδειν) coupled with a homological performance of praise (ἔπαινον, εὐδαιμονίζοντας). On the second day, the city replaces ritual lament—itself characterized by antiphonal structures of song and thought—with the 'paternal song' (πάτριον μέλος), a patriotic hymn that, as we observed in Chapter 3, is collective, public, celebratory, and commemorative, recalling a city's foundational myths.[58] By transposing genres of celebration into funerary contexts, Plato seeks to establish non-threnodic, epitaphic performance as the articulation of civic virtue, and because women's voices are the natural media for the expression of the properties of temperance,

the funeral of the Auditors requires their participation to complement the masculine performance of martial valor.[59] The result is a subtle revision of Solonic custom; for while Plato follows Solonic law in eliminating women's choral lament and maintaining the ritual structure of Athenian funerary practice, he nevertheless reintroduces women's voices within the city's funerary context, replacing the defective psychological states and threnodic genres traditionally associated with women in the ancient city's performance repertoire with the enactment of philosophical virtue. In this respect, the funeral of the Auditors offers a counterpoint to the three choruses with which the last section began (2.664c–d). Whereas the young boy's Chorus of the Muses reaffirms the truth of the men's Chorus of Apollo, the young women's chorus articulates dimensions of virtue for which the female voice is distinctively appropriate. As music becomes the field within which to articulate both courage and temperance, women's voices play a vital role, and the performance culture of the second-best city is made virtuous as it is 'feminized' by their songs.

6.5 Conclusions

As we observed in the last chapter, Vlastos enumerates the rights that warrant considering the *Republic* an ancient precursor to modern feminism—the rights to education, vocational opportunity, unimpeded social intercourse, legal capacity, sexual choice, to own and dispose of property (denied to all Guardians), and political rights—each marking a departure from Athenian practice. An analogous tally not of political rights but of musical privileges might be constructed to contradistinguish roles and contributions of women in the performance culture of the *Laws* against the historical, principally Athenian context:

(i) Performance: While women attended numerous festivals in Athens and participated in processions that preceded tragic performances, there is no record of their participating as *performers* before audiences of citizen men in Athenian state-sponsored festivals. No less telling is the dearth of evidence for women in choral or musical competitions in democratic Athens.[60] Such absences, whether due to conventions that excluded women from participation or protocols of silence that rendered women's performances invisible, reflect the subordinated position of citizen women as legal minors, debarred from contributing to the city's political and military institutions and from representing

their own interests in public—an exclusion that, as Foley observes, is all the more marked "given the particular significance that Athens' radical democracy placed on participation in public life."[61] In the *Laws*, by contrast, women are trained and perform in Magnesia's principal performance institutions and choral competitions, and they do so before audiences of citizen men and women.

(ii) Spectatorship: Regardless of whether women were legally or notionally excluded from the Athenian theater, it is clear that spectatorship was a constitutive element of Athenian citizenship and that the seating in the Theater of Dionysos "maps the citizen body, its hierarchies, and sociopolitical order."[62] In this respect as well, the *Laws* again breaks from Athenian custom; its citizen women are not only visible constituents within the audience; they are also recognized as spectators whose subject positions are defined in contrast to the disenfranchised and politically irrelevant resident population (slaves, metics, aliens).

(iii) Education: Girls' choral performances may have functioned as socializing activities, but the contrast between archaic practice and classical Athenian theater is especially pronounced in this regard.[63] The archaic chorus communicated values and beliefs appropriate to the participant performers; it enabled women to identify collectively with the persona of the chorus and thereby occupy a specific location within the city, while providing poetesses and chorus-leaders a medium to maintain individual distinction.[64] In Wilson's words, however, "[i]f, as is likely, women of *Attike* had danced in festival *khoroi* in the sixth century and earlier, they had receded entirely from the public horizon by the classical period."[65] Pre-play ceremonials that occurred during the City Dionysia afforded women no official participatory role, and gave no occasion "for the representation of female ideals (as opposed to citizen ideals) on this civic state, except in their absence."[66] The chorus of young women as a collective identity facilitating female initiation and as a means of distinction reappears in Plato's second-best city, offering a rejection of Athenian choral practice and a restoration of an archaic model of aristocratic song culture, in which chorality served as a public forum for women's performance of self.

(iv) Citizen identity: Zeitlin's claim, cited above, that in drama "the woman is assigned the role of the radical other" is instructive once again, as is O'Higgins's tentative suggestion that ancient plays might

have been interpreted differently by men and women; for, as we observed in Chapter 4, Plato exploits the power of performance to define alterity along spectatorial lines.[67] In contrast to Athenian norms, women in Magnesia are assimilated to neither the non-citizen nor the alien other. Instead, women and men are expected to be educated in, subscribe to, pursue civic virtue in themselves and others; observe as spectators while non-citizens and slaves enact degenerate genres; perform in contexts restricted to citizens; and represent the same—or complementary—system of value in poetry, song, and dance. Where women are differentiated or 'othered' in performance, their individuality—for example, in the variance between masculine and feminine harmonic modes—is regarded not as the radical alterity but as part of the civic self, a vital dimension of the representation of virtue in its totality.

(v) Distinction: Recall Pericles' insistence that virtue for women consists in lacking a reputation for good or ill. Plato expects women to be famously distinguished for virtue, their *erga* in body and soul permanently commemorated in the city's musical repertoire.

(vi) Cultic centrality: Although Athenian women participated in some capacity—for example, as priestesses—in state cult, evidence for *khoroi* of women dancing for Athena is scarce.[68] More secure are the festival occasions on which the appearance of Athenian women as the principal participants coincided with the suspension of normal religious, political, and commercial activity, reduplicating women's political marginality as ritual alterity.[69] Not so in the *Laws*, in which women's festivals are integrated within the regular cultic calendar.

(vii) Organizational provision: Lack of centralized liturgical funding and organization is a striking feature of the numerous women's festivals that occurred throughout Attica, another measure by which to detect women's marginalization in Athenian state-sponsored performances. The only known liturgy that women were expected to provide, the Thesmophoria, was, as Wilson observes, "organized not centrally but locally, and through the wealth of husbands."[70] The subordinated position of women as minors within the household thus extended to the institutions that organized state festivals. Again by contrast, women's performances in the *Laws* are orchestrated through the institutions of governance.

(viii) Poetic license: Whereas composers of Athenian dithyramb, comedy, and tragedy are presumed to be male, women in Magnesia are

authorized as poets to comment in the normative language of poetic praise and blame on the behaviors of fellow citizens—male and female.

(ix) Criticism: Whether as judgments of artistic superiority in agonistic contexts, pronouncements of victory in the theater, or literary interpretation in the symposium, criticism in Athens remained an exclusively male prerogative. In the *Laws*, the picture is ambiguous. Sufficiently knowledgeable to evaluate and censure texts, women of Magnesia are expected to have attained a high level of literary competency, above the level characteristic of Athenian 'educated women' whom Plato portrays as fans of tragedy. However, the term *kritai* is never applied to women in the *Laws*, and no indication is given that women will be appointed as judges of competition or philosophical commentators on musical performance.

(x) Administrative authority: Athenian officials who selected texts and organized theatrical festivals were exclusively men, and there is no record of women's serving as *khoregoi*.[71] Here, too, the *Laws* marginally expands Athenian custom. As priestesses, *archousai*, and assistants to the Director of Education, women assume positions of leadership in contexts of performance and participate in the selection of texts to be performed. Yet, whether by negligence or omission, women are not included in the highest governmental offices that oversee performance.

An observation that Saunders makes regarding the political status of women in the *Laws* bears repeating in this context as well. Magnesia embodies aspirations, and one such aspiration is that women would be exceptionally virtuous and merit being entitled to participate in politics. My argument has been that those aspirations are fulfilled in music, poetry, song, and dance. If not as extraordinary as the *Republic*'s radical communism, the *Laws* nevertheless departs markedly from the normal Athenian practice of the time. Even where Plato retains Athenian customs and limitations, the factors absent from the Athenian stage—the recognition that women are significant participants in civic festivals and competitions, central members of the audience, figures whose lives are celebrated in state-sponsored songs and dances, agents, poets, and spokespersons on behalf of city's shared ethical values, and constitutive members of the citizen community—are precisely the factors that lead

to the inclusion of women in the performance culture of the *Laws*. For Plato in the *Laws*, women's performances are fundamental to the representation of civic virtue—occasions on which the citizen community articulates itself not by silencing or casting women as the radical other, but through the performative enactment of antiphonal citizen identities, genders, and virtues in which the happiness of the city depends on the female voice.

Epilogue

Plato's Last Song

A POSTLUDE ON LAW AND THE PRELUDES

IN ONE OF the earliest surviving portrayals of poetic judgment, a scene from the first book of the *Odyssey*, Penelope, veiled and accompanied by an entourage of maids, descends from her rooms to the *megaron* as Phemius recounts the disastrous *nostoi* of the Achaeans (*Od.* 1.325–344). Weeping, she scolds the poet for singing a 'baneful song' (ἀοιδῆς/λυγῆς, *Od.* 1.340–341) that has caused her such anguish. Telemachus rebukes her in turn:

> My mother, why begrudge our faithful singer the chance
> to delight (τέρπειν) us any way his mind leads him? It is not singers
> who are to blame: Zeus is to blame. He gives
> to each and every man who toils on the earth whatever he pleases.
> There is no ground for censure if this one sings the doom of
> the Danaans.
> For people always praise whichever song
> Echoes last in the listeners' ears. (*Od.* 1.345–352)

Exhorting his mother in customary Homeric fashion, Telemachus observes that she is not alone; many others share Odysseus's fate and thus her loss. He then broadens the scope of his critical commentary into an expansive statement on the relationship between performative speech, gender, and political power:

> Speech-making (μῦθος) is the concern of men,

> all of them, but me most of all, because mine is the authority
> (κράτος) in
> this household. (*Od.* 1.358–359)

The pronouncement leaves Penelope stunned; she retreats to her chambers in silence.

Telemachus's assessment of Phemius's performance admits of numerous levels of interpretation.[1] On one level, we may focus on the standards of his criticism and treat his rebuke as the articulation and application of an ancient theory of poetic judgment. According to his appraisal of the definitive properties of good song, novelty takes priority, and even the bitterest poetry might produce pleasure (τέρπειν) for the audience, a pleasure that supersedes Penelope's personal grief. On another level, as Ford argues, "the most basic issue at stake in Book 1 is who shall call the tune."[2] Flagged as *mythos*, a marked speech act indicative of political authority and constitutive of Homeric heroism, Telemachus's declaration follows the ritualized patterns of aristocratic performance.[3] By claiming the prerogative to speak *mythos*, Telemachus "seeks to become a hero like his father."[4] Led by Athena to believe that Odysseus's return is imminent, Telemachus begins to assert himself as male head of household, his poetic judgment the first step in the reclamation of his patrimony. In this second sense, declarations of poetic judgment are portrayed by Homer as having performative qualities, affirming the underlying principles of archaic social and political hierarchies and asserting the validity of relationships of dominance and subordination. Importantly, those relationships are gendered. Gender is realized in and enables specific performative possibilities and relationships of political power; men perform *mythos* and possess *kratos*, and, in the social context of rhapsody and aristocratics displays of authority, women perform silence. Poetry and poetic judgments thus sustain the social and sexual order of the archaic *oikos* and of the community of which it is the central political institution. On another level still, as de Jong observes, Telemachus's criticism has "metanarrative relevance: it is an indirect advertisement for the *Odyssey* itself," an invitation to measure the final episode in the Trojan cycle by the criteria Telemachus applies to Phemius's song.[5] In this sense, the *Odyssey* not only frames its own reception vis-à-vis earlier epic poems; it thereby constructs its ideal reader (or hearer), and calls attention to its own generic compositional and literary ambitions.

Telemachus's performance of *mythos* may thus be interpreted as offering a theory of aesthetic judgment, poetic novelty, and aesthetic pleasure; as a fictionalized display of poetic art as a social and performative practice, replaying,

reflecting, and (en)gendering the organizing principles of the political community; and as a meta-textual commentary on the literary ambitions of and appropriate response to the text itself. On each level we may also interpret Plato's final engagement with the poetic tradition. If Telemachus's praise of Phemius may seem to have little in common with the philosophical models of poetic analysis that have been the subject of this study, and if the genre of epic may seem distant from the genre of philosophy, the *Laws* nevertheless shares with the *Odyssey*, and Plato with Homer, the recognition that commentary on performance presupposes certain evaluative commitments, relationships of social, political, and gendered authority, and may become a literary genre in its own right. In one sense, the *Laws* may be understood as developing a theory of how performance ought to be evaluated as a psychologically compelling representational medium, capable of arousing powerful emotions and pleasures. Thus in Chapter 1, we began from Plato's theory of the soul, surveying the *Laws* account of the sources of aesthetic pleasure, both as an essential part of the experience of virtue and as a response to mimetic art. We also examined Plato's effort not only to explain in normative terms the nature of poetic and dance experience, but also to co-opt and institutionalize aesthetic pleasure, and to employ media of inscription and commemoration to arrest untrammeled musical innovation. In Chapter 2, we examined Plato's account of metrics of judgment—judgment as a social act in which the critic's declaration becomes the performance of philosophical virtues, and as philosophical wisdom, a theoretical knowledge of (the ethics of) mimetic art, harmonies, and rhythms. The articulation of standards of judgment coincides in the *Laws* with a program to institutionalize the genres that meet those standards in an ideal political community.

At the same time, we have observed that performance for Plato is a social practice with political implications, and the Laws provides its own sociology of performative speech acts. To sing and dance in a chorus, Chapter 1 argues, is to undergo a training of the passions, a habituation in discrete dispositions toward aesthetic pleasure and pain that condition singers, dancers, and spectators to tolerate and expect specific kinds of constitutions. In Chapter 2 we explored Plato's account of generic history as constitutional history, and we discussed in Chapters 1 and 3 the kinds of mimetic performances—choral dances that are imitations of ethical *tropoi*, and the genres of hymn and encomium—that Plato regards as suitable preparation for citizenship in an ideal community. Chapter 4 turned to the genres, often dramatic and associated with Athenian democracy, that Plato represents as both antithetical to the ethical claims and political community fashioned in Magnesia, and at the

same time invaluable within it. Chapters 5 and 6 focused on the gendered and gendering dimensions of music, poetry, song, and dance in the *Laws*—a program to counter the silencing of the female voice in public performance, a silence that characterizes Plato's Athens and Homer's Ithaca.

In another sense, it must be recalled that the *Laws* is a work of literature, engaged in a polyphonic dialogue with the poetic tradition, and that the philosophical dialogue is a hybrid genre, articulating its systems of meaning and values by intertextual appropriation and juxtaposition to other genres. As Nightingale claims, "Plato's relation to the genres he targets is generally adversarial . . . in different ways and for different reasons, he forces poetic and rhetorical subtexts to serve his own purposes."[6] Even by Plato's standards, the *Laws* is exceptionally polyvalent, showing, in Bobonich's words, "a high degree of literary sophistication . . . [which] lies precisely in its concern with the relation between the form of a text or discourse and its content and aims."[7] The performance culture of the city it envisions reflects such polyvalence. Hymns and encomia, Chapter 3 has shown, distill in poetic terms the law code's claims, conveying its arguments within contexts of musical performance that lie beyond the limits of law, a genre that Plato recognizes as equipped to communicate within only restricted scenarios.[8] The poetic material from which the city's performance culture is built becomes a generative system, a set of genres and discursive possibilities that facilitate the fashioning of a philosophically informed city and, as we observed in Chapter 4, of *philosophia* itself as a genre with its own discursive possibilities. Plato's engagement with tragedy in particular mimics the definitive markers of tragic discourse (e.g., elevated diction, dialogic mimesis, poetic language), construing law (and the *Laws*) as an inspired alternative to Athenian literary genres. If its dialogue with tragedy presents perhaps the most notable instance of the *Laws*' metanarrative advertisement (and we examine another instance below), to read the *Laws* is to be struck by the many voices that are brought into the text and made to serve its purposes. The dialogue speaks from the voice of the elderly interlocutors and the ethnic and age groups they each represent (see 1.634d–635a, 1.641e–643a); the would-be residents of Magnesia, whose position as a community of interpreters of poetry and law and as creators of discourse is also a recurring concern throughout the dialogue (8.829b–e); gods, lawmakers, poets, playwrights, and even the laws, whose speeches and values are artfully ventriloquized in the conversation; earlier dialogues introduced by virtue of the *Laws*' paradigmatic relationship to Plato's oeuvre; the fourth-century readership who may or may not be skilled interpreters of philosophy and are invited to identify with, and evaluate the arguments advanced

by, the interlocutors; and the literary tradition that the *Laws* parodies (e.g., tragedy: 7.817a–d) and interprets (Theognis and Tyrtaeus: 1.629a–630c), the conventions of which it employs for its own ends (e.g., in the preludes to the laws: 4.722d–724b.).[9] In such instances, the literary tradition only expands philosophy's already capacious purview.

In one respect, this study has presented an exploration of performance in the making of citizens. For Plato, to perform poetry, music, song, and dance creates the psychological conditions required for membership within the political community. Performance culture as it is envisioned in the *Laws* is also hierarchically ordered, obeying the principles of political justice that obtain in the city's governing institutions. To lean once again on Austin's terminology, performance is a perlocutionary preparation for and an illocutionary instantiation of citizenship in Plato's second-best city; by instilling and providing the occasion for the exhibition of psychological dispositions and aesthetic preferences, and communicating specific ethical arguments, it teaches one to occupy just relationships of authority and subordination, of ruling and being ruled, within the *polis*.

In another sense, however, the politicizing of performance in Plato's second-best city must be tempered by the recognition that the performing community is not coterminous with the citizen community. In genres assigned to slaves, metics, and hired aliens, discussed in Chapter 3, Plato inscribes both citizenship and non-citizenship in performance; *mousikê* thus effectuates, contains, and supersedes the boundaries of the political community. The *Laws*, moreover, offers a sustained rejection of Athenian citizenship, of democracy as it is manifest in political practice and in the theater. Performance culture as envisioned in the *Laws* comprehends within it elements of Athenian, Doric, Panhellenic, and pan-Mediterranean musical and poetic practices—all hierarchically ordered, subjected to what Plato regards as reason, and marshaled in a novel system of genres of performance to offer its imaginary citizens a model of *mousikê* that dissents from Athenian notions of participatory governance and citizenship; what is being performed in Magnesia is Athenian non-citizenship. If Plato employs *mousikê* to bypass the paradigms of citizenship available in the fourth century—if, that is, performance becomes a site of political dissent—nowhere is this more evident than in its vision of performances by women. As Chapter 5 argues, Plato disavows categorically all historical models of the female—Thracian slavery, Athenian domestication and subjugation to the loom, and the Spartan compromise (education for the girls, loose and undisciplined decadence among adult women). Disaffection with historical practice leads Plato to forge an ideal of virtues for women

acquired within traditionally masculine institutions (gymnastic and choral education, communal dining halls, and the military), but also maintaining an association with the household and family, and aspiring to mythological models of the female. If Magnesia's institutions of governance—the principal context for the performance of citizenship—render the full realization of that ideal unattainable for women, in Chapter 6 we observed Plato's aspirations displaced into musical performance. The female voice becomes an indispensable feature of aestheticized representations of virtue, a vehicle for those who are not enfranchised members of the politically relevant citizen community to perform membership within the *polis* in a manner that exceeds the narrowly circumscribed institutions of government. All of this is to remind us that what is being enacted in Magnesia's performance culture is not merely citizenship—as though the political fully exhausts the limits that Plato set himself when composing the *Laws*—but virtue. What Plato offers in the *Laws* is a portrayal of a city in which virtue characterizes the lexical, somatic, harmonic, rhythmical, and social dimensions of a text, dance, or score in performance; the passional, hedonic state of the souls of spectators and performers; the intellectual state of the philosophically learned literary and music critics; and the state of the *polis* as it participates in rituals of poetry, music, song, and dance. It is Aristotle, not Plato, who identifies the end of the human as an ethical being, with the end of the *polis* as the framework within which complete virtue is pursued. Performance, for Plato, like virtue, is transpolitical.

Plato's performance culture in the *Laws* aspires to a subversion and a transcending of Athenian performance culture. Nevertheless, the elements of Plato's ideal city are found in the ancient literary and historical record, and often in Athens. That representational art is subject to ethical standards; that chorality is a training of the emotions; that *mousikê* is a release from toil and remembrance of youthful pleasures; that poetry induces *hêdonê*, but that pleasure must be moderated; that the values, boundaries, and hierarchies of the citizen community are constituted in performance; that women might be taught to evince virtue—all are ideals that Plato endorses, and all appear within the (Athenian) poetic and literary tradition. The *Laws* thus shows Plato weighing ancient performance culture against itself, fashioning a hybrid of ancient practices—a city whose musical institutions reflect the second-best nature of its political institutions. The interpretation of the *Laws* thus requires a hermeneutic that is embedded and historically contextualized, attuned to the cultural valence of the genres and models of performance brought into Magnesia. At the same time, however, the play of cultures in the *Laws* remains rooted within a philosophically motivated account of the

soul, the city, and the cosmos. In Plato's ideal performance culture—in his pitting of aristocratic chorality against Athenian theatrocracy, philosophical literary criticism against demotic theatrical *thorubos*, hymns and encomia against comedy, threnody, tragedy, and *ta bakkheia*, the female voice against and alongside performances of masculinity—one observes Plato working out the terms of a philosophy of *mousikê* or, more precisely, a philosophical *mousikê* within the institutions, rituals, and traditions of the classical *polis*. Plato's approach to contemporary institutions remains appropriative and corrective, conjoining and sublimating unideal practices within a unique vision of the ordered soul and ordered city.

No discussion of performance in Plato's final work is complete without consideration of the literary forms that the dialogue itself proposes to invent—the law code and preludes to the laws. By way of conclusion, we therefore turn to the genre of the law code, a literary form that betrays a surprising indebtedness to what are in many ways Plato's greatest literary rivals: Homer and fourth-century oratory—hence the decision to start this Epilogue from Telemachus' first performance of *mythos* in *Odyssey*, a declaration of poetic judgment that is at once a gesture of rhetorical skill. Plato shares with Homer the recognition that customs of poetic performance and structures of political institutions are interdependent. Telemachus's *mythos*, prompting a restoration of order in the context of rhapsodic performance, presages and is consummated in Odysseus's reclaiming kingship and thereby reconstituting legal and political order. For both Homer and Plato, the invention (or restoration) of ideal polities requires and is articulated in a vision of music and law as complementary discursive and performative practices. The common traits of poetry and law (and philosophical commentary on law) are underscored in the image (which as we observed in Chapter 1 is both poetic and dicastic) of the soul as a marvelous puppet drawn by passions of pleasure and pain, beliefs of fear and boldness, and by the golden cord of calculation, which the gods have set up as the law of *polis* (1.644e–645a).

The nexus of *mousikê* and *politikê* is also implicit in the dialogue's title and central theme, Νόμοι—a name, Plato argues, derived from divine reason (*nous*) as the realization of rationality through the best ordering of human institutions:[10]

> Our argument reaches the conclusion that we should imitate (μιμεῖσθαι) by every device the way of life that is said to have existed under Kronos; in public life and in private life—in the arrangement of our households and our cities—we should obey whatever within

> us partakes of immortality, giving the name 'law' to the distribution ordained by intelligence (τὴν τοῦ νοῦ διανομὴν ἐπονομάζοντας νόμον). (4.714a1–2)

It bears repeating, in this context, that *nomos* is a genre of music, a "kitharodic type of song with a designated tuning and rhythm" (ὁ κιθαρῳδικὸς τρόπος τῆς μελῳδίας, ἁρμονίαν ἔχων τακτὴν καὶ ῥυθμὸν ὡρισμένον), thought in antiquity to be characterized by formal stability.[11] Nominal correspondences between *nomoi* as law and as poetry—and both as exemplifications of the divine *nous* that governs the cosmos—are thus especially central to the performance culture envisioned in the *Laws*. In a reminder that generic taxonomies are inherently ideological, the order and definition (ἁρμονίαν ἔχων τακτὴν καὶ ῥυθμὸν ὡρισμένον) attributed by ancient authors to the nome does not emerge organically from within customs of musical performance; it is rather a late invention based on the perceived correlation between order in law and music.[12] As a generic category, *nomos* is a catchall term, neither ordered nor defined; its reputation for formal stability is the product of fifth-century poetic theory, which imposed a language of order onto diverse and disorderly musical materials.[13] Yet, if the history of generic terminology points to ruptures and ideological gestures, Plato takes the homonym as sign of a natural, etymological truth, a moment in which language encodes and calls attention to the conceptual correspondence in law and music as reciprocal systems of genre, authority, and social organization, sharing formal qualities, and reflecting the psyches of the societies in which they emerge (7.799e–800a). Among Plato's original aristocratic genres of music, nomes play into a narrative of constitutional and cultural decline, in which the erosion of generic orderliness precipitates psychological disarray and legal devolution from aristocracy to democracy and anarchy (3.700a–701a). In the *Laws* the homonym points to a larger semantic network in which all forms of music, not merely the nome, share attributes with the rational order of the *polis* through law and of the cosmos through *nous* (7.802b–d, 12.967e). Once again, a commonly held belief promoted in poetic discourse—namely, the trope that the arts of the Muses complement the political art—becomes programmatic in the *Laws*. Thus, 'laws of music' (*nomoi tês mousikês*) ensure that city's artistic repertoire restores ancient Athenian aristocracy of merit. More generally, among the *Laws*' basic projects is to envision performance as being capable of contributing, in tandem with and subordinated to law, to the harmonizing (*symphônia*) of psychological dispositions with the dictates of rational calculation, legal institutions, and the providential ordering of the cosmos—a project, in sum,

that provides the basic moral psychology and a detailed plan for the rehabilitation of mimetic poetry in the life of the adult, one in which aesthetic education and re-education in poetry, music, song, and choral dance offer a mechanism (μηχανῇ) to train the passions to delight in genuinely fine properties that reason endorses.

Poetry is thus subject to legislation, but, again, poetry is a generative system. Law, Plato insists, must be organized on the model of nomes into dual forms—preludes and legal prescription—each with its generic language and role in creation of an ideal political community:

> All speeches (λόγων πάντων), and whatever pertains to the voice (φωνή), are preceded by preludes (προοίμια) and, so to speak, tuning-up exercises (ἀνακινήσεις) which offer technical practice that is useful for the performance to come. Now preludes composed with amazing seriousness are prefixed to the kitharodic song, among the so-called nomes, and to all kinds of music (κιθαρῳδικῆς ᾠδῆς λεγομένων νόμων καὶ πάσης μούσης προοίμια θαυμαστῶς ἐσπουδασμένα πρόκειται). Yet with regard to things that are really laws (τῶν δὲ ὄντως νόμων ὄντων), the laws we assert to be political (πολιτικούς), no one has ever either uttered a prelude or become a composer (συνθέτης) and brought one to light—just as if it were a thing that did not exist in nature (φύσει). But the way we have been spending our time has shown us, it seems to me, that such a thing really does exist; and the laws which were talked of as double seemed to me just now to be not simply double but rather composed of two different parts, a law and a prelude to the law (νόμος τε καὶ προοίμιον τοῦ νόμου). (4.722d3–e7)[14]

By 'all speeches' (λόγων πάντων), Plato gestures toward the common properties of poetic and oratorical discourse, but in keeping with the *Laws*' general excision of rhetoric from the second-best city, *mousikê* supplies the primary conceptual basis and generic resources for the revision of law. Whereas law, Plato continues, contains a prescription that commands obedience and may therefore be construed as tyrannical and illiberal, the prelude is a repository of persuasive, formal elements to induce citizens to concur with, not merely to obey, the law. Affixing preludes to laws ensures that the citizen will receive the prescription 'favorably' (εὐμενῶς) and 'more likely to learn' (εὐμαθέστερον) from the law code's edicts (4.723a3–5).

For our purposes, it is critical that the *nomos* as law and music is a two-way relay. We have observed in this study that philosophy of law seeks to co-opt

and rehabilitate poetry and performance. As importantly, preludes—a formal element lifted from all musical genres (πάσης μούσης), not merely the nome—play an essential role in rehabilitating law as a genre of communication suited to a community of free citizens, one whose political decisions and institutions, as well as legal and artistic traditions, are informed by reason.[15] Philosophy, in other words, enters law by means of poetry. In order for law to be a felicitous performative discourse—for it to persuade and thereby constitute its citizens as free (*eleutheroi*)—it must draw on the resources of the poetic tradition. For *nomoi* to be political (πολιτικούς), they must be poetic, adhering to the formal properties of musical *nomoi*, including harmonic tunings (ἀνακινήσεις). This turn to poetry as the paradigm for the genre of legislation is understood to be natural (φύσει), the arts of the Muses supplying the form to which the legislator, himself construed as a composer (συνθέτης) on the poetic model, aspires when directing the development of law and bringing its inherent, yet never before apprehended, features into being.

Law is thus made a poetic genre, but the law code and the *Laws* are further assimilated to poetry in the educational system, assigned a paedeutic role that Plato develops in a 'myth (μῦθος) told about both teachers of writing and that which is written' (7.812a2–3). Asked for an exemplary text suitable for students to memorize, the Athenian Stranger responds:

> I am not altogether at a loss for a model (παραδείγματος). As I looked (ἀποβλέψας) now to the speeches (τοὺς λόγους) we have been going through since dawn until the present—and it appears to me that we have not been speaking without some inspiration from gods (οὐκ ἄνευ τινός ἐπιπνοίας θεῶν)—they seemed to me to have spoken in a way that resembles in every respect a kind of poetry (παντάπασι ποιήσει τινὶ προσομοίως εἰρῆσθαι). It is probably not surprising for me to have had such a marvelous feeling (θαυμαστὸν πάθος), to have been very pleased (μάλα ἡσθῆναι) at the sight (ἐπιβλέψαντι) of my own speeches, brought together, as it were; for compared to most of the speeches that I have learned or heard (μεμάθηκα καὶ ἀκήκοα), in poems (ποιήμασιν), or poured out in prose like what has been said (χύδην οὕτως εἰρημένους), these appeared to me to be both the most well-measured (μετριώτατοι), at any rate, of all, and especially appropriate for the young to hear (ἀκούειν). (7.811c6–d5)

The Athenian Stranger continues to argue that the Law Wardens and Director of Education should hold the text of the conversation—the *Laws* itself—as a standard (παράδειγμα) against which other poems and speeches

will be compared (7.811d–812a). What is remarkable in this passage is not only that the text of the *Laws* comments on its function in the second-best city, or that it becomes the measure and paradigm for poetic texts in the educational system. It is especially striking that Plato characterizes the first four books of the *Laws* as a prelude to the presentation of Magnesia's law code, which occupies the remainder of the dialogue (4.722c–d). The division of linguistic phenomena into preludes and laws thus also has self-referential relevance, reflecting on the structure of the dialogue itself and establishing a distinctively poetic hermeneutic for the interpretation of both law and philosophy of law. Poetic form remains fundamental not only to Plato's understanding of how law can be made persuasive, but also to the *Laws*' generic self-representation as philosophy made consonant with poetry. To the degree that the interlocutors' conversation is to be a model (παράδειγμα) for poetic education, moreover, the text of *Laws* occupies the same relationship of paradigmatism to the poets that the ideal city of the *Republic* has toward to the second-best city.[16] The *Laws*, in other words, will figure as an archetype of which Magnesia's poetic traditions are retellings and second-best approximations. In this respect, it is telling that the interlocutors are represented as gazing (ἐπιβλέψαντι, ἀποβλέψας) upon the manuscript (λόγους) of the conversation; in other words, Plato has included in the *Laws* readers and a reading of the *Laws*; and their reaction to it is couched as an aesthetic response to poetic art. Not only is the conversation—that is, the text of the *Laws* itself—inspired (ἐπιπνοίας) and analogized to works of poetry (ποιήσει τινὶ προσομοίως, μετριώτατοι), but the passions (θαυμαστὸν πάθος) and pleasures (ἡσθῆναι) aroused in the act of reading, spectatorship, and hearing recall the image of the soul as a marvelous marionette. Plato has thus portrayed his characters within the moral psychology of aesthetic response that his work sets out to explain. In doing so, Plato establishes for his readership a model of reading. Like Homer in the *Odyssey*, Plato has included a metatextual advertisement for the *Laws* itself, one that presents to the audience a hermeneutic and aesthetic framework for receiving the text.

Some commentators have suggested that Plato here proposes choral performance of the law code—that is, that Magnesia's choruses will sing and dance preludes and *nomoi*.[17] But nomes are not customarily associated with choral performance; and, as an isolated literary genre, *prooimia* designate shorter, hexameter poems (e.g., the *Homeric Hymns*). It is instructive briefly to review the evidence cited in support of choral performance of law to be clear on the performative model envisioned for Magnesia's law code, evidence that, under closer scrutiny, points to one specific, non-choral paradigm of performance.

(i) Aelian (*VH* 2.39) reports that 'the Cretans ordered free children to learn (μανθάνειν) the laws with a kind of melody (τοὺς νόμους μετά τινος μελῳδίας), so that their souls might be led by their music and they might memorize them more easily; and so that if they committed anything forbidden by law, they could not plead ignorance. The second subject which they ordered their children to learn was hymns of the gods (τοὺς τῶν θεῶν ὕμνους); the third, encomia of good men (τὰ τῶν ἀγαθῶν ἀνδρῶν ἐγκώμια).'

(ii) According to Strabo (10.4.18, 12.2.9), Spartiates sang paians 'according to custom *or* law' (κατὰ νόμον) and among the Mazakenoi the interpreter of the laws was called 'law-singer' (νομῳδός).

(iii) Polybius (4.20.8) similarly notes that in Arcadia hymns and paians are sung κατὰ νόμον.

(iv) Hermippus of Smyrna (fr. 88 Wehrli = Athenaeus 619b), a late biographer and third-century adherent of Callimachus, is reported to have claimed that "even the laws of Charondas were sung among the Athenians while drinking wine" (ᾄδοντο δὲ Ἀθήνησι καὶ οἱ Χαρώνδου νόμοι παρ' οἶνον).

(v) According to Plutarch (*Lyc*. 4.2.3), Lycurgus admired Thales, a Cretan (!) poet of 'lyric songs' (λυρικῶν μελῶν), whose compositions were laws in disguise, the suggestion being that Thales's poems serve as the performative model for Sparta's rhetras.

(vi) The publication of Solon's laws in hexameters.

There are problems with each of these sources, but none suggests the choral song-dance performance of law. First, it is of more than little importance that not only Aelian, but most of these sources, are far too late to be of straightforward relevance to the interpretation of the *Laws* and most appear influenced by the 'Spartan mirage,' a popular mythologizing of Doric (including Cretan) institutions created in no small part by Plato's political writings. Allusions in Strabo (ii) and Polybius (iii) to performances of paians and hymns *kata nomon* need not suggest an association between choral song-dance and legislation; *kata nomon* refers most probably either to performance 'according to customary manner' (Spartans were reputed for careful preservation of inherited songs) or to kitharodic or auletic nomes, an instrumental and vocal, not choral, genre.[18] The same applies to any mention of nomes as proof of choral performance of law; for example, the apparent reference to the singing of *nomoi* in Alcman (see frag. 40 Page) provides no evidence for the claim that the laws of Magnesia are to be performed by choruses, since in context *nomoi* refer most probably not to laws but musical

nomes. No ancient comparandum cited above makes explicit mention of choral performance, and all suggest that song and recitation, possibly in accompaniment with the lyre and designed as a mnemonic device among preliterate societies, appear to be the musical modes of performance of law.

(i) Cretan laws are sung to melodies (μελῳδίας), not *khorôidia*.
(ii) Among the Mazakenoi, a 'singer of law' (νομῳδός) acted as 'interpreter' (ἐξηγητής) of the law code, the vocabulary having more in common with interpreters of prophesy, professional singers, and rhapsodes than chorus leaders.[19]
(ii, iii) Neither paian nor hymn always entails choral dance performance; often they do not.
(iv) The context for the singing of the laws of Charondas appears sympotic (παρ' οἶνον), making dance performance implausible.
(v) Even if one accepts Plutarch's dubious testimonium (and one should not), his mention of *lyric song* (λυρικῶν μελῶν) suggests that Thales's compositions were not auletic (as would be customary for *khoreia*) but melic and that Lycurgus's rhetras (if modeled on Thales) were sung, not performed by a chorus.
(vi) Finally, in lieu of more direct attestation otherwise, that Solon's laws were set to hexameters should rule out choral performance. In this context it is useful to invoke another ancient reference to the musical performance of laws, one nearer to Plato; according to Aristotle (*Probl.* 19.28), the nome acquired its name from the archaic custom of singing laws as an aide to memory among peoples who lacked the technology of writing, suggesting that even in Plato's lifetime, performance of law was thought to be akin to monodic song accompanied by a single, stringed instrument, not choral dance.

We find no historical evidence for the *choral* performance of laws, but read alongside one of Plato's near contemporaries and fellow Socratics, Xenophon, 7.811c–812a does indeed point to a distinctly poetic model for the performance of law. Asked what he regards as his most valuable knowledge in his possession, Xenophon's Nikeratos, who 'listens' (ἀκροώμενον) to rhapsodes daily, claims that he regards his crowning achievement as having 'learned (μαθεῖν) all the words of Homer (πάντα τὰ Ὁμήρου ἔπη),' so that he may now 'recite' (εἰπεῖν) the entire *Iliad* and *Odyssey* by heart (lit. 'from the mouth,' ἀπὸ στόματος) (Xen. *Symp.* 3.5–6; cf. *Mem.* 4.2.10). The triadic development—from a student who learns (*manthanein*) and is taught by

rhapsodes, remains capable of recitation (*epein*) by memory throughout adult life, and develops into an elder appreciator who delights in listening (*akouein*) to epic poetry—appears in the *Laws* as well. The Athenian Stranger asserts that he has not learned (μεμάθηκα) or heard (ἀκήκοα) poems more metrical and pleasurable (μετριώτατοι, ἡσθῆναι) than the conversation that is the text of the *Laws* itself; that students in Magnesia are expected to listen to (ἀκούειν) the dialogue; and that teachers themselves must be compelled 'to learn and praise' (μανθάνειν καὶ ἐπαινεῖν, 7.811e6) the law code. The implication is that to the degree that performance of the law code is patterned on specifically *poetic* performance, the paradigm is not *khoreia* but the memorization of Homer and Hesiod in elite households, conducted under the supervision of rhapsodes.

It is appealing to imagine the citizens of Plato's ideal city rhapsodizing Magnesia's law code, and the rhapsodic performance of Solon suggests that one ought not discount the possibility. But Plato never says as much, and the suggestion must remain speculative. More certain is that the law code is to occupy in Magnesia the status held by epic poetry in elite *paideia* and sympotic culture. This is consistent with the mnemonic singing of law and the language of legal hermeneutics in the later comparanda enumerated above; *exêgêsis* and related cognates are associated with the practice common among rhapsodes of elucidating Homeric intention (*dianoia*).[20] It also accords with the program, traced throughout this study, systematically to subvert the authority of the poetic tradition and to show that the law code and the text of the *Laws* itself have the artistic resources to replace poetry and co-opt its cultural prestige as emotionally compelling and aesthetically pleasing (πάθος, μάλα ἡσθῆναι) literary genres. If this proposal is right—if, that is, the *Laws* envisions law as being studied in schools on the Homeric model and disseminated as the authoritative, inspired text (οὐκ ἄνευ τινὸς ἐπιπνοίας θεῶν) as a seminal, archetypal cultural referent—it is here that a poetic performative model for law may be detected, one encoded in the language of praise (ἐπαινεῖν, ἐπαινῷ) at 7.811c–e. Applied to Homeric poetry especially in fourth-century prose, *epainein* denotes both commendation in the unmarked sense and also a marked verbal art of quoting poetry in particular contexts for the sake of making an argument and displaying competency in the poetic tradition.[21] Authoritative citation is familiar, for example, from Cephalus's appearance in Book 1 of the *Republic*, where it serves to demonstrate the host's literary sensibilities and aristocratic pedigree. The interlocutors of the *Laws*, too, dramatize the practice, referring to their own quoting poetry to prove an argument as *epainos*.

The Athenian Stranger, for instance, argues that 'poetic sayings' (ῥήματα) eulogizing sailors are not 'worthy of infinite praise' (ἄξια ἐπαίνων πολλάκις μυρίων); he then does for Homer what he refuses for the nautical poet: he quotes the *Iliad* 14.96–102 in support of his argument (4.706c7–707a3).[22] Performative citation is thus not only dramatized in the dialogue. Insofar as teachers must 'learn and praise' (μανθάνειν καὶ ἐπαινεῖν, 7.811e6) the law code, it is also enlisted as the verbal art for the performance of law within the second-best city. Despite what may have been the greatest *agôn* and sustained anxiety of influence to define fourth-century prose in general and Plato's relationship to the poetic tradition in particular—philosophy's struggle for primacy against Homeric epic—it is in Plato's Homer that one discovers the most striking treatment of epic poetry as a model for the performance of law and philosophy of law.

On the one hand, then, *Laws* as a philosophical dialogue is an assemblage of literary forms, borrowing from genres that circulated in the ancient *polis*. On the other hand, as study has repeatedly stressed, genres are not merely forms of literature or forms of thought; in performance they become social phenomena, grounded in institutions, contexts, and rituals, each historically overladen and over determined with psychological, political, and religious significance. Like the literary dialogue in which it is fashioned, Magnesia's ideal performance culture is also an ensemble of Mediterranean performance traditions. We may thus recognize a parallelism between Plato's literary strategies and his ideal performance culture, between the genre of the philosophical dialogue as a hybrid of other genres and of *mousikê* in Magnesia as a fusing of distinct performance traditions. Just as the *Laws* embeds and tunes intertextual and inter-generic resonances at the level of the text and the literary genres it proposes to invent, it also engrafts performance genres as social practices within a second-best city-state. Alongside the intertextual polyvalence of the Platonic dialogue, we must therefore posit the institutional and cultural polyvalence of the second-best city—the city as a mimesis of the text. As the Platonic dialogue invents itself as a literary genre by bringing diverse genres and discourses into contact, the second-best city and the performance culture it envisages are shaped in a consonance of fourth-century poetry and Plato's philosophy, refashioned to harmonize with the cosmos and the celestial order it evinces.

Notes

INTRODUCTION

1. I here adapt Aristotle's definition of citizenship (*politeia*) as the 'way of life (βίος) of a city' (*Pol.* 1295a40). On definitions of citizenship, see Manville 1990: 4–6; Farenga 2006: Introduction; Schofield 2006: 31–33.
2. See *Suda*, s.v. φιλόσοφος.
3. For a survey of approaches to the authenticity of the text of the *Laws*, see Lisi 2001a.
4. Morrow 1960: 518.
5. Discussed by Bobonich (1996: 249–250), who argues that the *Laws*' literary form is intimately connected to the ambitions of Plato's late political philosophy. The most thorough discussion of inconsistencies in the *Laws*' arguments, arrangement, and composition remains that of Morrow 1960: 37, 127 n. 101, 138 n. 127, 224, 238–240, 269–270, 396–398, 515–518, 566 n. 48. See also Stalley 1983: xi–x, 1–7.
6. Shorey 1914: 345–346.
7. Benardete 2000:17–22.
8. See most recently Mayhew 2008.
9. Bobonich 2002: esp. Chs. 1–3, 5.
10. See Shorey 1914; Bobonich's developmentalist view is criticized in Kahn 2004.
11. Bobonich 2010.
12. See, e.g., Lisi: 2001b; Scolnicov and Brisson: 2003.
13. Bertrand 1999: 54–87.
14. Panno 2007.
15. Saunders 1991: Chs. 7–16.
16. Nightingale 1993; 1999a; 1999b.
17. Moore 2005; Larivée 2003.
18. The bibliography on poetry and music in the *Laws* is growing; for (relatively) recent treatments, see Barker 1984: 249–254; Detienne 1986: 93–101; Anderson 1994: 145–166; Bertrand 1999: 400–405; Bobonich 2002: 357–361, 40; Halliwell

2002: 67–69; R. B. Clark 2003: 33–38; Helmig 2003; Wersinger 2003; Kowalzig 2004: 44–49; Whitaker 2004: 36. Prauscello's study of citizenship and performance in the *Laws* appeared while this book was in production; I have therefore been unable to take her conclusions into consideration.

19. Peponi 2013b.
20. Unless otherwise noted, translations of the *Laws* are Pangle's with modification, and translations of other works by Plato are my own. References to Stephanus pages are to the Greek editions (not the translator's pagination). References to Stephanus pages without titles are to the *Laws*. Titles of other works are supplied. All quotations of the original are from Burnet's OCT, with the exception of the *Republic*, for which I have relied upon Slings's edition.
21. Kurke 2000: 60–61; Griffith 2001: 32–35.
22. Cf. Kurke 1993. On middling ideology, see Morris 2000: 109–154.
23. Rutherford 2001: 61–63.
24. Kurke 2000: 69–70.
25. Kurke 2000: 60.
26. For a sample of approaches, see Pickard-Cambridge 1968: Ch. 6; Connor 1989: 8–25; Ober 1989: 152–153; Goldhill 1990: 98–115, 1994: 352, 1997: 57–67; Longo 1990: 13–16; Winkler 1990: 21–58; Osborne 1993a: 34–37; Csapo and Slater 1995: 287–290; Farenga 2006: 4–12. For useful surveys of differing approaches to politics and tragedy, see Saïd 1998: 275–284; Carter 2007: Chapter 2.
27. See Ober and Strauss 1990: 238–240.
28. Rehm 1992: 1–11.
29. See most recently Wilson 2000.
30. Goldhill 1999: 5. For criticism of Goldhill's view, see Carter 2007: 35–43.
31. For restrictions on sponsoring and performing in dramatic festivals, see Wilson 2000: 11–70.
32. For estimates, see Pelliccia 2003: 100–102.
33. The decadence of fourth-century New Music is discussed in greater detail in Chapters 2 through 4.
34. On the dating of the Theoric Fund, see Nightingale 2004: 49–60.
35. Wilson 2000: 265–270.
36. Csapo 2004: 229–230, 235–245.
37. Ford 1999: 253–256.
38. Plut. *Inst. Lac.* 238b; Pausanias 3.11.9. On the relationship between Spartan poetic and political traditions, see Nagy 1990a: 367–369; 1990b: 38; Csapo 2004: 241–245.
39. On tragic and comic performance among Italiote Greeks in Southern Italy, see Taplin 1993. On performance in Macedon, see Hanink 2010. On the politics of Sicily's regional performance culture, see Smith 2013.
40. Calame 1997: 222; Lonsdale 1993: Ch. 1.
41. Most recently, Swift 2010: 1.

42. To be clear, my claims pertain to the *Laws*, its vision of ancient Greek performance, and the implications of that vision for the relationship between ancient philosophy and the poetic tradition. I do not mean to deny that choral performance had some of the social and political efficacy that Plato attributes to it in the *Laws*. Recent work on chorality, however, cautions against relying too heavily on ethicizing philosophical interpretations of *khoreia* as the key to understanding the realities of choral education. As Collins (2013) has shown, there are significant gaps between what ancient philosophers argue choral performance should teach and what the members of a chorus were expected to learn, did learn, and how they learned.
43. For general studies of poetry and mimesis in Plato, see Tate 1928: 16–23; 1932: 61–64; Elias 1984: 5–13; Else 1986: 17–46, 61–64; Ferrari 1989: 92–134; Janaway 1995: 106–157; P. Murray 1996: Introduction. For discussions of the relationship between poetry and philosophy: Halliwell 1984: 50–58; Gould 1990: 20–21, 29–34; Miller 1999: 254–256; Levin 2001: 127–171. On mimesis, imitation, and representation (particularly of abstract Ideas): Dyson 1984; C. Osborne 1987: 55–62; S. Rosen 1988: 1–26; Nehamas 1999a: 253–267, 1999b: 280–291. On aesthetics: Halliwell 2002: 37–117. On poetic or literary criticism: Ford 2002: 209–226, 258–261. For the educative and psychological effects of tragedy: Salkever 1986: 278–285; Lear 1992: 185–214; Croally 1994: 23–26. For theories of mimesis in later dialogues, see Nightingale 2002: 227–244. Burnyeat (1999: 255, cf. 222–226, 239–324) offers an optimistic view of the *Republic*'s critique of mimetic art, suggesting that Plato would endorse a philosophically correct form of poetry.
44. I take *Republic* 10.607b–608b as representative of a general attitude toward poetic art, but I do not mean to suggest that it contains all of Plato's many criticisms of poetry, which are diverse, appear throughout his oeuvre, and can be synthesized only with difficulty into a single unified theory of poetic art. For an attempt at such unification, see Belfiore 1983; 1984. For Plato as the inventor of the ancient quarrel between poetry and philosophy, see Nightingale 1995: esp. Introduction.
45. On hymns and encomia, see Annas (1981: 344) who concludes, "Plato is enough of a creative artist himself to know that such productions are not real poetry." In light of the richness of hymnal and encomiastic poetry, Annas's assessment is perhaps unduly pessimistic, but it captures the hostility toward mimetic art characteristic of the *Republic*.
46. For the distinction between open and closed societies, see Popper 1966: 200.
47. Nightingale 1990.
48. See *Gorg.* 499c–500a; cf. *Resp*. 6.492b–493d, 8.563e–564a, 10.602a–b, 10.607e–608a.
49. Thus Fantuzzi and Hunter (2004: 2–3) claim in an otherwise excellent treatment of tradition and innovation in Hellenistic literature that "Plato's low valuation of *mimêsis* as the *technê* of poetry, together with the idea that the only really inspired, 'philosophical' poetry was the non–mimetic kind (with its extremely limited

possibilities—the dithyramb, and hymns to gods or to men), led the philosopher, both in the *Laws* (817b–c) and in the tenth book of the *Republic*, to banish poetry virtually entirely from the ideal State."

50. E.g., 2.656b–c, 2.657c–660a, 2.659c–660a, 2.666b–c, 2.667d–e, 2.673–674c, 6.764c–766e, 7.796e–798e, 7.798e5–6. See also 2.653c–654a and 3.685a–b, referring to the 'game' of examining legal codes.
51. See 2.670c, 6.764–772a, 7.801c–d, 8.828a–d.
52. On the singing of laws, see Svenbro 1993: 116–117; Thomas 1996: 14–16; and the salubriously skeptical remarks in Gagarin 54 n. 10. Naddaf's (2000: 347–348) suggestion that laws and preludes are to be performed by Magnesian choruses is to be resisted; 7.811a–812a states merely laws and preludes must be learned and memorized in schools; no mention is made of choral or any other sort of musical performance of the law code.
53. 'Facts' and 'states' are to be understood as inclusive of discursive phenomena—betrothals, promises, ritual utterances—as well as psychological predispositions and political constitutions.
54. The precise location of the interlocutors' destination in the *Laws* has never been positively and incontrovertibly identified. Most commentators follow Morrow (1960: 17–33), who conjecturally identifies the cave as the Ideon Andron on Mt. Ida, modern Psiloritis (lit. 'Highest [Mountain]'), which, at 2,456 m. (8,058 ft.) has the greatest elevation on the island (hence the name). In the late summer of 2012, I was fortunate to be the recipient of a generous grant from the Lodge Fund at the Department of Classics, Columbia University, with which, *inter alia*, to retrace the itinerary portrayed in the *Laws*. Empirical evidence leads to the conclusion that a journey on foot from Knossos to the Ideon Andron—a distance of approximately 44.7 km (27.7 mi.) on modern trails with an altitude gain of over 2,100 m (6,889 ft.), unadjusted for altitude gains and losses over the journey, across often harsh, barren, and rocky terrain, from which the snows, even in late summer, may not have melted—would have been an inconceivable route for three elderly gentlemen to complete in a single afternoon. If one assumes that the interlocutors maintain a pace of 3 miles per hour, plus 1 hour for every 1,000 feet of elevation climb (above average speed for the modern hiker, and one that is still too rapid for leisurely philosophical conversation), the journey would require approximately seventeen hours. The cave near the Lasithi Plateau on Mt. Dicte (ModGr: Dicteon Andron, near Psychro; distance from Knossos: over 62 km/38 mi.; altitude gain: over 1,000 m/3280 ft.), which, as Morrow notes, appears to have been a more active sanctuary in the classical period, presents no less implausible a journey, and for the same reasons; it would take over sixteen hours (in fact, it takes more, because the altitude gains and losses along the traverse are greater than to the Ideon Andron). The peak sanctuary on Mt. Juktas (distance from Knossos: c. 14 km/8.6 mi.; altitude gain of less than 1,000 m/3,280 ft.) would take approximately three hours; but as Morrow observes, the cave, though active during the Minoan period, was not so in

Plato's day—thus leaving no good candidate for the *Laws*' ultimate destination. In a separate essay still in progress, I propose that Plato had little if any knowledge of Cretan geography and its mountain sanctuaries; indeed, he may never have visited the island; and that the setting of the *Laws* is entirely fictional, an imaginary landscape, inspired by and responding to Athenian literary portrayals of Cretan myth, preserved, e.g., in Euripides' fragmentary *Cretans* (see f. 472).

55. On the *Laws*' two projects, see Schofield 2010.
56. For discussion of the colony's surrounding geography and possible location in southern Crete, see Morrow 1960: 30–31, 95–112. Clay (1993) tentatively (and positivistically) identifies Magnesia with ancient Gortyn.
57. See Pangle 1980: 527 n. 13; Morrow 1960: 112–131.
58. For useful summary and discussion, see Stalley 1983: 101–103.
59. The notion of consent of the *governed* here must be differentiated from Lewis's (1998: 18) claim that the consent of the *ruling* class is required for political reform.
60. See more generally 6.756e–758a with Bobonich 2002: 440–445, who refers to this principle of distribution as 'proportional equality.'
61. Bobonich 2002: 440.
62. It will be recognized that the majority will spend less time ruling than learning the virtues of being ruled.
63. As Stalley (1983: 116) recognizes, "[s]ince the proposed constitution lacks distinct monarchic, oligarchic, and democratic *organs*, it is clear that in demanding a mixed constitution, the Athenian is seeking to combine different kinds of political *principle* within the same governmental structure." See also Laks 2000: 278–280.
64. Morrow 1960: 215–229; Stalley 1983: 186–191.
65. See Morrow 1960: 195–215 and 500–515 for discussion of Law Wardens and the Nocturnal Council, respectively.
66. For the role of the Nocturnal Council, see also Larivée 2003.
67. On the powers of the Law Wardens, see 12.969a–b. For a survey of views on oligarchy, see Lewis 1998.
68. See 2.658e–659a, 6.756e–757d; cf. Arist. *Pol.* 1281a39–1281b9, with Bobonich 2002: 441–443.
69. See Grote 1875: vol. 3, 213–216; Annas 1981: 101–108, 172–173; Bobonich 2002: 43, 411.
70. Annas 1981: 172. I remain unconvinced of Annas's (1981: 172) claim that " 'Guardians' includes Auxiliaries" and that "the politically crucial divide is between the producers and those who control them." The politically crucial divide, rather, is between those who pursue different ends. In this, I follow Bobonich 2002: 42–88; *contra* Rowe 2004. Worth considering is Aristotle's (*Pol.* 1259b18–1260b20, 1261a15–24) dismissal of Plato's proposal to eliminate economic and ethical distinctions within the guardian class as impractical and undesirable; it is notable

that Aristotle refers solely to the guardian class as citizens. See Grote 1875: vol. 3, 211–222; Ober 1991: 121–122.

71. 1.630b–d, 4.705d–706a, 4.707d, 6.770c–e, 7.807c–d, 8.846d–847a, 12.962b–963a.
72. Irwin 2010: 107.
73. See Laks 2000: 280–282; Bobonich 2002: 375–384.
74. Bobonich 2002: 473, cf. pp. 473–479.
75. See Stalley 1994; Laks 2007: 70–71.
76. For approaches to the preludes and the problem of intellectual freedom in the *Laws*, see Morrow 1953: 236–243; Stalley 1983: 43; 1994: 164–177; 1998: 154–157; Bobonich 1991: 366–387; 2002: 8–9, 97–106; Nightingale 1993; 1999a; Laks 2000: 286–290; 2007: 57–58; Samaras 2002: 305–325; Buccioni 2007: 263–280; Annas 2010: 85–89; Irwin 2010: 97.
77. See especially the treatment of atheists at 10.907d–909d.
78. Stalley 1994: 176.
79. Ober 1998: 5.
80. Schofield 2006: 54.
81. Ibid.
82. My translation. For discussion of textual problems in 5.739d5–e4, see England 1921, Vol. 1: 516–517; Schöpsdau 2003: 314.
83. England 1921, Vol. 1: 515. For sophisticated treatments of the paradigmatic relationship between *Republic* and *Laws*, see Stalley 1983: 8–10, 22; Laks 1990: 209–229; 2001; 2000: 267–275; Schofield 2003.
84. On the composite nature of Magnesia's institutions, see Saunders 1995: 603.
85. Saunders 1992: 483.
86. To be fair, Saunders's argument appears to be that the presence of a single subset of Kallipolis's citizen population—philosophers—in positions of political authority makes the city as a whole more mature than the aggregate of Magnesia's less philosophically adroit citizenry. In other words, a city's 'maturity' ought to be judged according to the virtues its highest ruling class rather than the level of virtue attained by citizen population as a whole.
87. Laks 1990: 224–226. Laks's (1990: 225) claim that in the *Laws*, "law is being reduced *as much as possible*" should be modified by Nightingale's (1999a) study of the multi-generic, quasi-medical qualities of legal language, particularly in the preludes. See also the first two chapters of Benardete 2000.
88. Zuckert 2004.
89. Rowe (2010: 35) defines the "practiced Platonic reader" as "one who has absorbed, and brings to the new text, the substance of—whatever number it may be of—previous ones." Rowe's thesis elaborates and departs from the theory of readership proposed by Schofield (2010) in the same volume.
90. Rowe 2010: 35.
91. Jackson's work on choruses in the fourth century is a notable exception; see L. C. M. Jackson, "Plato's Choruses," (Paper presented at the seventh meeting of

"Epichoreia: Work in Progress in Ancient Music," New York University, New York, November 9, 2013). Plato is also clearly keying in to an ancient debate on nature (*phusis*) versus convention (*nomos*) to which we return in later chapters.

92. I wish to thank Yujhan Claros for bringing the pun to my attention.
93. It should be clear in the passages that follow that Plato portrays symposia and Dionysiac festivals as interconnected subspecies within the larger category of *heortai*, festivals that involve communal drinking.
94. Tecuşan 1990: 244.
95. Larivée 2003.
96. Jackson's (2013) observations apply particularly to the representation of the ancient chorus in the *Laws*, but her comments are apposite to the text as a whole.
97. 5.736c–737d, 5.754a–755b. See Bobonich 2002: 375–384.
98. Minos and Lycurgus are, of course, mentioned on the opening pages of the *Laws*, but Solon, the architect of Athens's celebrated 'ancestral constitution' and in theory the Athenian Stranger's patron nomothete, is a notable absence in Plato's final dialogue, a lacuna presumably attributable to his association with democratic governance.

CHAPTER 1

1. Geertz 1973: 311.
2. Cf. Geertz's (1973: 89) definition of culture as "an historically transmitted pattern of meanings embodied in symbols, a system of inherited conceptions expressed in symbolic forms by means of which men communicate, perpetuate, and develop their knowledge about and attitudes toward life."
3. On the semantic range of *mousikê* in Plato, see Murray 2002: 30.
4. We discuss 3.700a–701a in Chapter 2.
5. On the politics of privileging reading over live performance, see Revermann 2006: 13–15.
6. For a useful summary of the development and politics of the 'New Music,' Csapo: 2004.
7. Goldhill 1994: 353.
8. Goldhill 1994: 352.
9. Rossi 1971: 77–80. Chapters 3 and 4 of this volume examine more systematically the *Laws*' position in the history of ancient genre theory.
10. For Herodotean resonances in *Laws*, Book III, see Nightingale 1999b.
11. For Herodotus's Hippocratic environmental determinism, see Thomas 2000: Ch. 2.
12. The significance of Magnesia as a Doric colony is discussed in the Introduction.
13. Taplin 1999: 38, cf. pp. 34–57; Wilson 2000: 289, cf. 281–302. On the development and exportation of the theater, see Csapo and Slater 1995: 1–17, 121–131; Dearden 1999.
14. Visvardi 2011: 272–291.
15. Taplin 1999: 33.

16. Taplin 1999: 33.
17. Ibid.
18. Turner 1987: 23–24.
19. Connor 1987: 41.
20. Goldhill 1987: 74 = 1990: 124.
21. Turner 1987: 24.
22. Ibid.
23. Cf. Connor 1989: 23: "Although its origin is complex and its functions multiple, the City Dionysia *reflects* the tensions and civic realities of early classical Athens—it is an urban festival with rural elements and roots, a time of relaxation and release combined with a *representation* of civic order and of the strength, success and prosperity, that the Athenians associated with freedom and democratic institutions" (emphasis added).
24. For the distinction between 'perlocutionary' performatives (utterances that achieve certain effects upon an audience through or by means of [*per*] speech) and 'illocutionary' performatives (in which the effect is achieved in [*in*] speech itself, e.g., pronouncements, commands, and promises), see Austin 1962: 102. Although I have found the distinction useful when differentiating between new social and psychological states effected in, as opposed to through or by means of, performance, as 3.700e–701a makes clear, it is not a distinction that Plato maintains. Austin (1962: 102) adds a third category of speech act, 'locution,' criticized in Searle 1968; 1969: 23 n. 1.
25. Smith 2003: 5.
26. This is not the context for a comprehensive survey of the discontinuous history of speech act theory in its errant manifestations and multiple appropriations in disciplines other than philosophy of language (for which, see Smith 1988; 2003), but I have found the studies below particularly illuminating in respect to the *Laws*. The classic treatments of speech act theory in philosophy of language are Austin 1962 and Searle 1968: 22–53. For the distinction between linguistic and extra-linguistic performative utterances, see Searle 1989: 547–550. For gender as performative, see Butler 1988, further elaborated in 1990: 24–25, 31–34, 136–141; 1993: 1–56. On religion, ethnicity, and culture as performative, see esp. Turner 1987: 21–32. On the problematic relationship between written word and spoken performatives, see the debate between Derrida (1977, 1988) and Searle (1977).
27. My definition adapts Austin's (1962: 26) condition that for performatives to be felicitous, "[t]here must be an accepted conventional procedure having a certain conventional effect, the procedure to include the uttering of certain words by certain persons in certain circumstances."
28. 1.643c–644a, discussed in detail in Chapter 1.
29. Cf. Arist. *Pol.* 1261a30–b16, 1276b26–1277b31, 1278a40–b5, 1279a8–13, 1287a10–18, 1288a1–2, 1325b3–10, 1332b12–29, 1333a2. See Newman [1887] 1985: vol. 1, 427; Bobonich 2002: 445–446.

30. Farenga 2006: see esp. Ch. 1. Manville 1990: 8–9 lists the following prerogatives of Athenian citizenship: "to participate in Athenian cults, festivals and worship; to attend, speak, and vote in the popular assembly (*ekklêsia*); to serve (after the age of thirty) as a juror in the law courts (*dikastêria*); to vote and (depending on age and eligibility) stand for elected and allotted offices (*archai*); to seek redress and receive protection under the laws; to have the capacity to own land in Attika; to receive public disbursements, whether for services provided, as special distributions, or as maintenance for hardships. The loyal Athenian might also be rewarded with public burial at state expense if he sacrificed his life on behalf of the polis."
31. Farenga 2006: 25–32.
32. Ober 1998: 29.
33. Ibid.
34. For political dissent as a response to the success—not the failure (as has often been thought)—of democratic liberty, see Ober 1998: 39–41.
35. Ober 1998: 38.
36. For Socrates' 'strangeness,' see Farenga 2006: 520–521.
37. Reden and Goldhill 1999: 265–266.
38. Ober (1998: 285, n. 58) mentions it only in a single footnote.
39. Nightingale 1993; 1999a.
40. The possibility of changing the laws in Magnesia remains a point of controversy. Bobonich (2002: 395–408), who surveys the relevant passages and competing interpretations, presents the most persuasive case that the law code is subject to significant revision. A careful reading of the passages he cites, however, is inconclusive; Plato has left unresolved the tension between a desire that the laws remain permanent and the recognition that legislation is an imperfect art and must therefore allow subsequent generations to improve the law code.
41. Belfiore 1986.
42. Kowalzig 2007: 52.
43. Reed 2007: 2.
44. Geertz 1980:122.
45. Murnaghan 2013.
46. In a similar vein, Murray (2013: 119) concludes that Plato's approach to sympotic culture in the *Laws* is "far closer to the mature Aristotle's belief that we need to analyse the practices and language of real states, or even to the later Peripatetic view that we must collect and analyse the detailed laws of different cities."
47. Larivée 2003.
48. For the section as a digression, see 1.642a, 1.645c, 2.673c–674d, 3.682e, 10.890e. For a concise survey of approaches to and problems with the digression, see Stalley 1983: 5. For the relationship between symposium and theater, see Chapter 2.
49. Morrow 1960: 318.
50. Tecuşan 1990: 246.
51. Similar conclusions are reached in Belfiore 1984.

52. Murray 2013.
53. See *LSJ*, 9th ed., s.v. δόγμα II; cf. 11.926d2.
54. See Bobonich 2002: 260–256, 331–350.
55. *Contra* Saunders's (1962) ultimately unsuccessful attempt to find a tripartite division of the soul in the *Laws*.
56. Cf. 1.643a–644a. For discussion of the psychology and epistemology implicit in the image of the divine puppet, see Annas 1999: 141–146; Bobonich 2002: 93–119.
57. For discussion of shame and purgation in the *Laws*, see Belfiore 1992: 32–39.
58. See *LSJ*, 9th ed., s.v. ἀγωγή III; England 1921, Vol. 1: 256–257; Morrow 1960: 556–557.
59. Power 2013: 87–89; Kurke 2013.
60. For more complete discussion of the relationship between the *Laws* and the Platonic corpus, see the discussion of paradigmatism in the Introduction.
61. Cf. the language of myth (τοῦ μύθου, μυθολογοῦντες), race (ἔκγονος), and metals (χρυσὸν ἐν τῇ γενέσει, σίδηρον δὲ καὶ χαλκόν; σιδηροῦς φύλαξ ἢ ὁ χαλκοῦς) in the *Rep*. 3.415a1–c7. Moreover, the *Republic*'s metallic races and the *Laws*' soul as puppet have analogous functions in their respective texts, providing an explanation for claims that appear initially difficult or implausible. In the *Republic*, the audience comprises the rulers, soldiers, and the entire *polis* who are to be convinced of the naturalness of political hierarchy and kinship; in the *Laws*, the confounded audience is internal to the dialogue.
62. Cf. 4.712e–714a, *Crat*. 397e–398a. For discussion of Plato's appropriation of the Hesiodic myth of races, see Haubold 2010: 23–28; Van Noorden 2010: 180–198. Although nothing in Plato's language supports the suggestion of a direct allusion, England (1921, Vol. 1: 256–257) nevertheless detects an indirect reference in the golden cord to the portrayal of Zeus in *Il*. 8.19–27 pulling a golden rope against all the gods and goddesses in Olympus.
63. Bobonich 2002: 95, cf. 93–119.
64. If something is lost in the textualization of philosopher kings into law, it is the adaptable, vigorous quality of the former to engage with and respond to particular circumstances.
65. For detailed treatment of this passage, see Carone 2003: 295–298. Although the terminology is not exactly identical, and although there are important semantic and contextual differences between the two passages, I take *hêdonê, lupê, philia*, and *misos* in 2.653a–c to be restatements of *hêdonê, lupê, tharros*, and *phobos* in the myth of virtue at 1.644d–645b.
66. For habituated senses of pleasure, pain, attraction, and hate as an ethical disposition, see Bobonich 2002: 261.
67. On the relationship between reason and virtues, see 3.688c–b. See Amar 1971: 274–275; Halliwell 2002: 111 (regarding primarily the *Republic* but the *Laws* as well); Wersinger 2003; Kowalzig 2004: 48; Carone 2002: 297.
68. Welton 1993: 62.

69. On the role of pleasure and pain in the *Laws*' ethics and moral psychology, see Stalley 1983: 46–48; Irwin 1995: 342–345; Annas 1999: 137–150; Bobonich 2002: 350–373; Carone 2002: 330–334; 2003: 286–298.
70. Cf. 1.630b, 1.632c, 1.635e, 2.673e–674a. Belfiore (1986: 428) rightly characterizes *sôphrosynê* in the *Laws* as "not only as a state of health after sickness has been cured, but also as a somewhat precarious condition in which there is constant need for rehabilitation."
71. Saunders 1962: 52, cf. 51–54.
72. Stalley 1983: 53, cf. pp. 52–56, 84–86; see also North 1966: 186–196.
73. See 2.653c–d; 2.666a–c; 2.671b–672a. Cf. the role of the lower parts of the soul in *Resp*. 442b–d with Bobonich 2002: 219–223.
74. Welton 1993: 67–110.
75. 1.641e–642a, 1.646c–648d, 1.649d–650b.
76. For the relationship between Books II and VII, see Müller 1935.
77. Cf. Hes. *Theog*. 55; *Hom. Hymn Apol.* 146–176, 182–206; on choral paradigmatism, see Lonsdale 1993: Chs. 2–4; 1994–1995: 28–37.
78. See *Crat*. 383a–390e, with Ketchum 1979: 133–140.
79. For discussion of models of aesthetic response in the *Laws*, with particular focus on Plato's skeptical treatment of the pleasure of the spectator and performer, see Peponi 2013a: 216–227.
80. Discussed in Chapter 2.
81. See Welton 1993: 79–85.
82. Cf. Peponi's (2013a: 225, cf. pp. 219–220) claim that "Plato's treatment of *choreia* in the *Laws* is part of a broader strategy on his part to *de-aestheticise* it."
83. On the connections between 'play,' musical performance, and education, see Lonsdale 1993: 25–43. See also 1.643c–644b, 2.653b–c, 2.655d–656a, 2.656b–c, 2.657c, 2.666b, 2.667e, 2.673c–e, 6.764d–e, 7.796b–e, 7.797b–c, 7.798d–799d, 7.803c–804b.
84. Wallach 2001: 364.
85. On *symphônia* in this context, see Welton 1993: 56–64.
86. But written laws (especially from the archaic period) tend to concern procedural law (Gagarin 1986: 81; Thomas 1996: 26, cf. 27–29).
87. For discussion of Egyptian inscription, mostly concerned with written laws, see Vanhoutte 1954: 99–133; Nightingale 1993: 281–300; 1999a: 100–5, 113–122; 1999b: 301–326; Bertrand 1999: 400–405; Benardete 2000: 69–75; Vasunia 2001: 212–214; Rutherford 2013.
88. See Nightingale 1999a: 123.
89. Rutherford 2013: 69.
90. Nightingale (2013: 244, cf. pp. 245–247, 251–260) argues that part of the reason for Plato's reliance on the written word in the *Laws* is to create a "lethic" law code, "a written text that is designed to destroy the citizens' memory of earlier, different cultural practices." Cf. Bobonich 1996: 270.
91. As Benardete (2000: 71–85) notes well.

92. Vasunia 2001: 145, to whom my interpretation of Egyptian culture is indebted.
93. For discussion of tyranny in the *Laws*, see the Introduction.
94. Vasunia 2001: 152.
95. Vasunia 2001: 153.
96. Cf. Nightingale 1999a: 101–103.
97. Cf. Rutherford 2013: 72.
98. Halliwell 2002: 94 n. 47, cf. 92–96. Compare the rather dissimilar use of *poikilia* in *Resp.* 10.604e designating a heterogeneous, inconstant character and state of soul.
99. Benardete 2000: 75.
100. Peponi 2013a: 232.
101. I therefore dispute the conclusions reached in Calame's (2013: 106) otherwise excellent study of choral education in the *Laws* that "[e]rotic melic poetry, with its function of initiatory education, no longer has any place [in Plato's ideal city]." I follow Larivée's (2003) suggestion that (submerged) Cretan pederastic rituals inform every dimension of propaedeutic and philosophical education in the *Laws*.
102. Halliwell 2002: 40–41, cf. 49, 53–58.
103. *Pace* Schipper's (1963: 201) claim that, "[n]owhere in [the *Laws*'] discussion of the rightness of music does [Plato] mention the content of the words. Nowhere does he make the rightness of music dependent on the views sung with it." Cf. Halliwell 2002: 67–69.
104. Plato's citing Tyrtaeus as a model of poetic stability offers an especially ironic rebuttal of Kleinias's identifying formal stability with moral rectitude: not only does Plato significantly alter and embellish the text (Pangle 1980: 519 n. 15), but elegy is also a difficult genre to define. Although its meter is stable and it tends to speak in the first person, its form admits elasticity (elegy may be as short as an epigram and as long as the several hundred lines of Mimnermus's *Smyrneis*); its tenor and contexts of performance are variegated (*symposia, syssitia*, the *kômos*, martial scenarios, public meetings, improvised settings, funerals, festival competitions); and it touches on diverse themes (historical narrative, reaction to public events, and moral exhortation). See West 1974: 2–21.
105. Bobonich 2002: 89–92.
106. On the connection with this passage and the Noble Lie, see Benardete 2000: 70.
107. See Chapter 2.

CHAPTER 2

1. Ford 2002: 273.
2. 'Dark' is Russel's (1981: 169) term. The bibliography on the development of ancient literary criticism is vast; the following works treat the broader outlines

of the subject to the fourth century: Van Hook 1905: 7–8; Denniston [1924] 1971: vii–xix; Atkins 1934: chs. 1–3; North 1948: 1–7; Verdenius [1963] 1983; Grube [1965] 1995: 1–102; Russell 1981: 1–33, 69–79, 84–106, 170; Kennedy 1989a: 78–89; Too 1998: chs. 1–3; Ford 2002: 4, 209–293. See also the contributions by Nagy, Kennedy, and Ferrari in Kennedy 1989b; O. Murray, Richardson, Belfiore, and Halliwell in Laird 2006. For discussion of the development of ancient critical vocabulary, see Van Hook 1905: 10–43; Russell 1981: 20–22, 131–147. On the relationship between Plato's and Aristotle's approach to literary criticism, see Halliwell 1984.

3. Ford 2002: 272–277.
4. We discuss *Odyssey* 1.325–360 in detail in the Epilogue.
5. Ford 2002: 7.
6. Russell (1981: 170) suggests, "Practically the whole of ancient literary theory—that is to say the search for principles which might form a framework for critical judgment, and set 'literature' in an understandable place among other human activities—turned on the significance and aptness of this notion of *mimêsis*." Thus Ford (2002: 4) claims, "something like the eighteenth-century notion of literature was formulated in the fourth century B.C.E., when that part of musical culture that was song was examined in isolation from the rest: once the further step was taken of separating the words of songs from the music and actions they had accompanied, the particular effects of poetic language could be studied in a form of criticism one may call 'literary' insofar as it was specific to the poetic art."
7. The trajectory of this narrative, though generally accurate, is not without exception. Performing interpretations of Homer from the rostrum, e.g., remained a viable method to demonstrate elite or democratic credentials well into the fourth century. See Ford 1999.
8. See Atkins's (1934: 34) claim that Plato played a definitive role in "the inauguration of a new phase in the critical development." Halliwell (1984) rightly argues that, for all their differences, Plato and Aristotle share a number of affinities, particularly regarding the relationship between tragedy and philosophy.
9. See Tecuşan 1990: 245–246 n. 17.
10. Belfiore 1986: 435. See also Murray 1990a.
11. For discussion of the symposium as a space of sexual and political deviance, see O. Murray 1990b. On connections between *syssition* and symposium, see Steiner 2002.
12. For overviews of literary criticism in comedy, see Atkins 1934: 21–32; Grube [1965] 1995: 22–32; Sommerstein 1992. Dover (1992: 2–4) notes that Aristophanes' contribution to the language of literary criticism has antecedents in earlier fragments of old comedy; but see Hunter's (2009: 22, cf. Ch. 1) arguments for treating Aristophanes' *Frogs* as marking the fifth-century 'invention' of literary criticism. For detailed treatment of intertextual agonist poetics between Aristophanes and Cratinus, see Ruffell 2002. Selection of Athenian judges is discussed below.

13. Goldhill 1999: 5.
14. Wohl 2004: 342–363.
15. Plato's comments on Athenian theatrocracy in Book III reiterate the conclusions reached in an extensive exploration of poetic judgment and pleasure in Book II; we treat the later passage first because it distills the earlier discussion's main points.
16. My translation.
17. See Grote 1875: 343–347; Wallace 1997: 98–99, who treats both the antecedents and long-lasting influence of Plato's criticism (with which he agrees) of the audience's ability to judge performance. Pickard-Cambridge (1962: 47) reads the comments at 3.700a–c as criticism of dithyramb as well as tragedy.
18. Most 2000: 19.
19. Swift 2010: 26.
20. Csapo (2004: 208–25) treats the New Music as inclusive of drama and the dithyramb, but also of fourth-century pipe music in general. Similarly, Fantuzzi and Hunter (2004: 19) suggest that Plato's target at 2.669b–670a and 3.700a–d includes the New Music and, in particular, dithyramb.
21. Kowalzig 2004.
22. Pickard-Cambridge (1962: 3–4) notes that the performance of dithyrambs during non-Dionysiac festivals (esp. those to Apollo) seems to have originated in Delphi where Apollo presided for nine months of the year and Dionysos for three during the winter; the dithyramb then spread from the months devoted to Dionysos to those devoted to Apollo, and from there to festivals in the latter god's honor throughout Greece. On the generic evolution of the dithyramb, esp. the introduction of lyric solos (*anabolai*) and the loss of anastrophic structure, see Arist. *Rhet*. 3.9 1490b25ff, with Pickard-Cambridge 1962: 40. See also Smyth 1900: xliii–lviii. As Kowalzig (2004: 44–49) argues, it is precisely this type of contamination of sacred festivals and their associated genres that Plato legislates against.
23. Barker (1984: 98; see also 93–98) links fifth- and fourth-century innovations in poetry to changes in systems of harmony.
24. On the dating of the fourth-century cultural decline, see Henderson 1957: 339; Pickard-Cambridge 1962: 38–39; Kindermann 1979: 22; Ghiron-Bistagne 1974: 1336–1370; 1976: 195; Lesky 1983: 400. Csapo (2000: 124–129) questions the evidence of a fourth-century cultural or literary decline. Ober (1998: 285) observes that Isocrates similarly dates the degeneration of the Athenian aristocratic constitution to the period immediately following the Persian War.
25. In this respect, Plato shares with Aristotle (*Poet*. 1449a9–14) the recognition that dithyramb is the original song of Dionysos.
26. Wallace 1997: 101–110.
27. Smyth 1900: xxviii n.2, cxxiv–cxxv.
28. Rutherford (2001: 86) draws attention to "the tendency of ancient sources to present the Apolline *παιάν* in an oppositional relationship on the one hand to the

chthonic (which translates in generic terms into the dirge) and on the other hand to the wilder Dionysiac (the διθύραμβος, in the code of genre)." On the chthonic associations of lament, see also Alexiou 2002: 8–9.

29. Rutherford 2001: 9.
30. The classification of paian into apotropaic, victory, and something in between, follows Rutherford 2001: 7. Although paians were sung in commemoration of the dead and in praise of the living, Rutherford (2001: 57–8) notes that this is a late development, popular during the Hellenistic period. See also Harvey 1955: 163–75; the still relevant introduction in Smyth 1900: xxxvi–xlii.
31. Pickard-Cambridge 1962: 1–59, 99–101.
32. Pickard-Cambridge 1962: 4–5.
33. Osborne 1993a: 21–26.
34. Smyth 1900: lviii–lxviii.
35. Rutherford (2001), who does not rule out the possibility that "παιάν-songs might have been performed solo" (8), acknowledges in the paian "a strong tendency towards choral performance" (9) and that the *aulos* "emerges from our sources as the most common instrument" (79). Note also that Plato regards the imitation of auletic genres by kitharodic genres (αὐλῳδίας δὴ ταῖς κιθαρῳδίαις μιμούμενοι) as a cause of the departure from musical aristocracy.
36. 'Plea for generic purity' is Nightingale's (1995: 2), who for different reasons also warns against accepting 3.700–701 uncritically as Plato's final statement on genre. 'Free men' (ἐλευθέρων ἀνδρῶν) is in this passage pregnant; *eleutheros*, which, with *eleutheteria* and its cognates, appears over fifty times in the *Laws*, typically distinguishes citizens and free non-citizens from slaves and, in the masculine termination, 'embraces' the feminine (cf. 7.816e8, 8.838d7, 9.874c2). Also unusual is the specification of gender: *eleutheroi* modifies *andres* only once elsewhere in the *Laws* (7.808e4). The emphasis on *andres* as the relevant spectatorial community acknowledges Athenian citizenship as an exclusively male prerogative. For an analysis of the complex associations evoked by the terms for 'free,' see Solmsen 1964: 215–216; Nightingale 1996: 35–37.
37. For the claim that the second-best city must strike a balance between Persian and Athenian forms of government, see 3.693d.
38. Elias (1984: 159) comments on 3.7001–701a that "one cannot tell whether this is an argument against democracy or, as it seems, against anarchy."
39. Nightingale 1999b: 301–314, 320–325. On historiography in the *Laws* and, more generally, history in Plato, see Frutiger 1930: 49–50, 189–190; Weil 1959: 46–47; Dodds 1973: 15–16; Strauss 1975: 38–53; Pangle 1980: 423–437; Vidal-Naquet 1986: 51–52; Benardete 2000: Ch. 3.
40. On aesthetic '*Relativismus*,' see Schöpsdau 1994: 280–281.
41. See Panno 2007: 72–76.
42. On audience reaction in the theater, see Müller 1886: 305–308; Arnott 1959: 55–62; Pickard-Cambridge 1968: 99, 272–278.

43. England (1921, Vol. 1: 409) discusses various attempts to identify the educators with real or fictitious aristocratic or political bodies.
44. Wallace 1997: 101–110 with n. 10.
45. Hunter 2009: 12–18. As Wallace (1997: 101–110) argues, the evidence outside Plato's works indicates that the audience of tragedy, musical recitals, and comedy were often active and noisy, but more so in the fourth century than the fifth.
46. The literature on the relationship between democratic theater and politics is myriad, but see: Pickard-Cambridge 1968, Ch. 6; Connor 1989: 8–25; Ober 1989: 152–153; Goldhill 1990: 98–115; 1994: 352; 1997: 57–67; Longo 1990: 13–16; Winkler 1990: 21–58; Osborne 1993a: 34–37; Csapo and Slater 1995: 287–290; Saïd 1998: 275–284; Farenga 2006: 4–12.
47. On the selection of judges for the dramatic festivals, see Pickard-Cambridge 1968: 95–99; Wilson 2000: 98; Ford 2002: 279.
48. Ghiron-Bistagne (1976: 194–195) cites numerous *indirect* influences on the judges of dramatic festivals, including from leading individuals (e.g., Alcibiades), which may have led to biased verdicts, but does not find record of judges changing their votes to please the crowd.
49. Murray 1996: 237–238.
50. Murray 1996: 9; cf. *Ion* 535e.
51. On Ion's financial incentive, see Murray 1996: 123.
52. Panno 2007: 77.
53. *Pace* Most (2000: 25) who claims: "the recipients [i.e., the audiences of tragedy] whom Aristotle envisions, like Plato's, are fundamentally passive; they are not so much active collaborators in the creation of meaning by an implicitly contractual complicity with the author, as rather helpless victims of largely irrational forces to which they are incapable of opposing resistance." Most's description suits Aristotle's analysis of tragedy, not Plato's conception of performance as dialogue between authoritative audience and accommodating poet.
54. For the educative effects of democratic *thorubos* in Plato, see Tacon 2001: 180–181.
55. Lanni 1997: 183–184, 188–189; cf. Gagarin 2012: 295.
56. Tacon 2001:174, 181–182, who argues that elements of that elite fantasy are apparent in the editing out of informal banter and audience participation from speeches in their published form, as well as in Aristophanes' *Ecclesiazusae* 108, a scene in which a woman disparages democratic assemblymen for being dragged out of the *ekklêsia* by the Scythian archers on account of loud, drunken behavior.
57. For restrictions on freedom of speech, see 8.829c–e.
58. My translation follows England (1921, Vol. 1: 291–292), who discusses various textual and interpretive challenges. There is an important inconsistency in the hypothetical *agôn* that pertains to the contenders. Although initially involving gymnastic, equestrian, and musical competitors, athletes are never again mentioned; the primary contenders are performers, each representing a single genre.

Plato's omission might suggest that the pleasure one takes in sport is (morally) insignificant when compared to that enjoyed in performance. However, there is another explanation for the omission, one more consistent with the function of the *agôn* in the conversation that follows: athletic competitions, unlike poetic performances, are not strictly spectator sports. One wins a boxing match, horse race, or javelin throw, not because the audience takes more pleasure in one athlete's skill or style than another's, but because one contender is stronger, faster, or more accurate than the others. Criteria for evaluating athletic competition are (in ideal circumstances) empirical and intrinsic to the nature of the contest, involving relatively objective standards (i.e., who is left standing, crosses a finish line first, or strikes a target), rather than the subjective tastes of the spectators. In sporting events, the pleasure derived from competition need not be correlated to the indisputable standards of success; the most pleasing athlete to watch may very well be the winner, but, as is not the case with musical performance, one would hardly argue that victory depends on the pleasure.

59. See Goldhill 1994: 350.
60. For discussion of possible emendations, see England 1921, Vol. 1: 291–292.
61. Schöpsdau (1994: 283), who cites comparable uses of *ethos* at 2.655e1, 2.655e4, 2.656d8, 2.658e9, 7.834d5–6, observes that *ethos* may also refer to posture and comportment and therefore retains musical connotations. Cf. England 1921, Vol.1: 291–292.
62. My translation.
63. In this, the *Laws* is the inspiration for the eighth book of Aristotle's *Politics*. See Belfiore 1986: 436–437.
64. Schöpsdau 1994: 281.
65. I owe this cross-reference to James Zetzel.
66. For the relationship between education here and the earlier discussion of habit (*ethos*), see England 1921, Vol. 1: 291–292; Schöpsdau 1994: 280–281. As Ostwald (1962: 240) suggests of Book V, "the most authoritative judgment of what is most beautiful is given by virtue and not by pleasure, embodied in the state in the person of the lawgiver, who, himself a 'better soul,' determines what is beautiful and ugly and tries to make through his laws *nous* the law within us, in order to put the pleasure principle into the service of the intellect."
67. Halliwell 2002: 66.
68. Ferrari 1990: 105.
69. For the argument that the life of justice and virtue is the most enjoyable life, see 2.653a–654b, 2.664b–c. On the Chorus of Dionysos, see Morrow 1960: 313–318; Belfiore 1986: 424–426; Tecuşan 1990: 246; Larivée 2003: 30–52; Panno 2007: 141–159.
70. For differing age classes and genres promoting a single conception of pleasure and civic virtue, see 2.658e–659a, 2.659d–660a, 2.663e–664a, 2.665c.

71. Bravery is treated as the least significant of the virtues. It is also remarkable that the Doric interlocutors refuse to agree with the Athenian Stranger's claim that the most virtuous life is also the most pleasant. Cf. 2.666e–667a, 2.671d–e, 2.672d.
72. See Pickard-Cambridge 1962: 31–59; 1968:74–79.
73. Rutherford 2001: 9, cf. 61–63.
74. On Plato's effacing of the pederastic undertones associated with the institutions appropriated in the *Laws*, see 1.636a–637e, 2.666d–e, with Larivée 2003: 36; cf. Burkert 1985: 260–261; Lewis 1998: 5–6, n. 13.
75. The eldest inspired singers are not discussed in any detail. For the (sometimes uncomfortable) place of the elderly in relation to the musical practices of the youth, a common theme in the poetic tradition, see Ladianou 2005.
76. For wine as cathartic, magical medicine, see Linforth 1946; Belfiore 1986: 431–434.
77. Belfiore 1986: 425. For discussion of the psychological and moral effects of drinking, see Belfiore 1986: 424–428; Tecuşan 1990: 248–251.
78. 2.666a–c, 7.812b–c. For music as incantation (*epôidai*), see 2.659e, 2.664b, 2.665c, 2.666c, 2.671a, 6.773d, 7.812c, 8.837e, 10.887d, 10.903b, 12944b; with Morrow 1953: 309–313; Helmig 2003.
79. P. Murray 2002: 39.
80. 'Trans-choral Muse' is Strauss's (1975: 34, cf. 33–35). For discussion of the philosophical knowledge of music required of the Chorus of Dionysos, see also Ford 2002: 284–286; Halliwell 2002: 67–70. Larivée (2003: 39) interprets references to the Muses and music in 2.667a–b as allegorical. For philosophy as *mousikê*, compare *Phaedr.* 259d. On Plato's representation of the Muses, see P. Murray 2002: 30–35, 39–45.
81. Halliwell 2002: 65.
82. See *Phil.* 55d–56 with Bobonich 2002: 168–170. Halliwell (2002: 67) observes that the *Laws* departs from Plato's typical usage in treating all mimesis as 'eikastic.' On the relation between the eikastic arts and mimesis in the *Sophist* and *Laws*, see Panno 2007: 85–86.
83. My translation.
84. Nehamas 1999b: 285.
85. Halliwell (2002: 68–69) argues against reading 'what it is' (*ho te esti*) as the original of which a mimetic work is a representation: "To interpret [*ho te esti*] as the simple identification of the subject of a mimetic image would make the inclusion of the criterion in the list superfluous, because it would amount to something logically presupposed by the ability to judge correctness." Yet, there is little in this passage (or in the *Laws* in general) to suggest that Plato aspires to present his argument in order of strict logical entailment; Plato rather shuttles back and forth, revisiting and revising claims made earlier in the dialogue. Moreover, Plato's list is sequential; it follows the order in which knowledge is employed in the act of criticism. One must first possess knowledge of the original; then one must determine whether the original has been represented correctly—that is

proportionately—in a particular work; finally, one must determine whether the representation, in addition to being correct, is well fashioned and therefore fine.

86. Ford 2002: 285.
87. Halliwell 2002: 68–69.
88. Reading αὐλῷ for αὐτῶν in the manuscript.
89. Translation my own. The use of *orthôs* in this context must be differentiated from the discussion of correctness above. Plato establishes two standards of correctness: one that concerns whether an original has been portrayed accurately and proportionately (representational fidelity), and another pertaining to whether a melody (*melos*) contains all of the elements that are appropriate to it (rhythmic and harmonic suitability). The two standards are distinct but interrelated: a work would hardly be said to be fine should it represent a subject faithfully but with inappropriate rhythms and harmonies. Thus, for example, a poem might accurately represent the sufferings of a noble man, but do so in rhythms and harmonies that are appropriate to disconsolate children. In this hypothetical, even if the noble man's words and passions have been convincingly and proportionally portrayed and even though the mimesis satisfies the standards of representational fidelity, the infantilizing rhythms and harmonies would be unsuitable, and the song could not be deemed beautiful or fine. See England's (1921, Vol. 1: 330) comments on the relationship between correctness at 2.670c and 7.812c, and 2.669b.
90. Translation my own.
91. For discussion of the relationship between pleasure and goodness, see Bobonich 2002: 357–373; Carone 2002: 284–286.
92. On the connections between the Chorus of Dionysos and Damon's doctrines of harmony and rhythm in the *Laws*, see Panno 2007: 141–146. Morrow (1960: 304–305 n. 27) speculates that a similar reliance on the *Republic* or Damon's work underlies the claim at 2.653d that the young find it difficult to keep still and that their innate energy is the natural basis of song and dance. The source of the evidently interpolated section at 2.670b4–6, which explains harmonic and rhythmic suitability with reference to the Doric mode, is possibly inspired by *Resp*. 3.400b–c. Similar concerns subtend the interpolated comments on musical modes and age in Arist. *Pol*. 8.1342b17–34. On Damon's status in classical Athens, see most recently Wallace 2004.
93. Cf. *Resp*. 4.424c for the claim that changing musical form alters political laws, also attributed to Damon.
94. Lord 1978: 32–35.
95. 2.670d–671a, 7.812b–c. As Bobonich (2002: 358) argues, "[h]armonious or fine sounds embody the same sort of fine or good order that the circles of our souls have in their best or original state (which is an approximation of the fine order of divine souls) and the appreciation of such order re-establishes the proper order in the circles of our souls. It is crucial to note that this is in part a sensory

process: it is not simply by thinking of geometric shapes that order is restored. Good order is restored in the motions of the soul that are involved in, and affected by, sense-perception." See also Morrow 1960: 506.

96. Cf. Ferrari 1989: 104. Halliwell (2002: 65) also speculates that Plato is 'renegotiating' issues treated in *Republic* 2–3 and 10. Panno (2007: 80–86) observes that the theory of mimetic art in the *Laws* appears indebted to the discussion of mimesis in Books III and X of the *Republic* without revisiting the earlier treatment of narrative (*diêgêsis*).
97. On the relationship between men's and women's music, and the gender specificity of modal harmonies, see 2.669c; 7.802d–803b; Lord 1978: 36–37.
98. The term 'representational fidelity' is borrowed from Halliwell 2002: 66.
99. On the distance between character and reality, and the influence of irrational inspiration on poetic language in the *Laws*, see Panno 2007: 87–88. Cf. *Resp*. 10.598a–c.
100. Halliwell 2002: 69.
101. Tecuşan (1990: 251–252) observes that "there is little difference between the *archon*'s abilities and both the tasks of the *symposion* as a whole . . . and the competence of any *krites*."
102. Ford 2002: 283–284.
103. See *LSJ*, 9th ed., s.v. ἡγεμών II.b. On the Chorus of Dionysos's legislative function, see Larivée 2003: 41–42.
104. For the preludes and consent of the governed, see the Introduction.
105. 10.908a, 10.908e–909a, 12.951c–d, 12.968e–969c. cf. Klosko 1988: 76–77, 85. As Larivée (2003: 30–35) acknowledges, the connections between the Chorus of Dionysos and the Nocturnal Council are based on indirect '*correspondances structurelles*' in the manner that the two institutions are organized and described, the individualized education received by members of both, and the emphasis on rational supervision of the citizen community. See also Panno 2007: 78–79, 150–154, on the complementary relationship between the Chorus of Dionysos and the Nocturnal Council. On the Nocturnal Council, see Morrow 1960: 500–516; Brisson 2001. On the Nocturnal Council's problematic position in the dialogue and relation to rule of law, see Klosko's (1988: 77–87) refutation of Morrow's attempt to integrate the Council into the ideal city's constitutional structure; *contra* Lewis (1998: 2–19), who suggests that the Council's function is not philosophical rule, but philosophical discussion.
106. Morrow 1960: 509.
107. For the distinction between immanent and rejectionist critique, see Schofield 2006: 54, discussed in the Introduction.
108. Plato claims that Sicilian and Italic cities, in which song culture fostered a strong sense of egalitarianism and in which victors are determined by show of hands, re-enact the hypothetical *agôn*. 2.659b–c.

CHAPTER 3

1. Todorov 1990: 10.
2. Todorov 1990: 19.
3. Anderson (1994: 145–166) notes that the *Laws* is more lax in its attitude toward cultural difference than the *Republic*; Vanhoutte (1954: 124) considers the two works complementary in this respect.
4. See, e.g., Annas 1981: 344; Fantuzzi and Hunter 2004: 2–3.
5. Rossi 1971: 71–72, 77–80, whose account of ancient generic history I follow closely.
6. Cf. Kowalzig 2004: 48–49.
7. Nightingale 1995: 2.
8. Derrida 1980: 55.
9. Nightingale 1995: 8.
10. For a helpful survey of major approaches to the genre of the philosophical dialogue with primary emphasis on the analytical tradition, see Gill 2002: 146–149. On the development of the philosophical dialogue as a genre and its relationship to other ancient genres, see Hirzel 1895: 1–274; Field 1930: 1236–1257; Cherniss 1977; Havelock 1983: 154–171; Brock 1990: 40–49; Jäkel 1992: 1004–1010; Kahn 1992: 581–594; Nightingale 1993: 281–300; 1995: Introduction; 1999b: 301–314, 320–325; Clay 1994; Reid 1997: 65–90; Gonzalez 1998: 128–149. For studies that address the form of the *Laws* and other late dialogues, see Bobonich 1996: 259–281; Gill 1996: 285–310. For the educative function of the dialogic form, see Euben 1996 with the reply by Barber 1996. See also the insightful contributions by R. Brumbaugh, R. Desjardins, C. Griswold, M. Jean-François, J. Mittelstrauss, and K. M. Sayre in Griswold 1988.
11. Nightingale 1999b; Morgan 2009.
12. Bobonich 1996.
13. Most 2000: 17–18.
14. See Bakhtin 1981: esp. 259–422; Clay 1994: 23–47. Nagy (1976: 192–204) develops this approach with respect to iambic poetry.
15. Tate 1932: 161–162; Nehamas 1999a: 253, 260–262.
16. Naddaff 2002: 120. See also Janaway 1995: 131.
17. Rutherford 2001: 53.
18. Halliwell 2002: 105–109.
19. Translation my own.
20. England 1921, Vol. 2: 264.
21. Kowalzig 2004: 48.
22. For *geloion* as serio-comic, see Gentili 1988: 108. This should not imply that the comedic has no place in the city's musical repertoire; see the discussion of comedy in Chapter 4.
23. Rutherford 2001: 4–5.

24. Harvey 1955: 157–164.
25. Smyth 1900: lxxvi, xxvii–xxxii. Compare Plato's terminology at *Resp.* 5.468d–e.
26. For lament as song and dance performance, see 3.700b–d, 7.800b–801a; most probably song and dance, but possibly (also) keening: 12.947b; most probably keening, but possibly (also) song and dance: 12.960a; in reference to a generally doleful character: 7.792b. On terminological ambiguity in references to lament, see Smyth 1900: cxxii–cxxiii; Alexiou 2002: 7, 207 n. 33. Rutherford (2001: 18–29) discusses similar difficulties in determining whether allusions to the paian in ancient literature refer to the paian-cry (ἰὴ παιάν) or to the processional choral song-dance genre.
27. Euripides, *Trojan Women* 513–514: ἀμφί μοι Ἴλιον, ὦ / Μοῦσα, καινῶν ὕμνων / ἄισον σὺν δακρύοις ᾠδὰν ἐπικήδειον ('Sing to me of Troy, O Muse, a lament song of new hymns with tears'), but in this instance the emotive force of the lines derives from identifying the new hymn as lament. See Alexiou 2002: 55–61.
28. Smyth (1900: cxxiii): ". . . both thrênos and epikedeidon contained a laudation of the deceased person. The dirge is in fact only a form of the enkomion, and its eulogistic character in the lyric age is probably due to the influence of Simonides."
29. I treat *psogos* with more detail in connection with comedy and *iambos* in Chapter 4.
30. 8.829b–e, which is here paraphrased, is crucial to our understanding of women's performance; it is therefore quoted in full and discussed at length in Chapter 6.
31. For discussion of *nikêtêria*, a victory prize typically consisting of a bull sacrificed in the victor's honor as an opportunity for him or her to feast the community, see Ceccarelli (2004: 94–95 with n. 9), who notes that *nikêtêria* were distributed at the Panathenaia as a reward in pyrrhic competitions, the *euandria*, the *lampadêphoria*, and *neôn hamilla*, all of which are of martial character and in which only citizens were permitted to participate.
32. Arist. *Poetics* 1448b23–1449a6.
33. Gentili 1988: 108, cf. 107–114. See also Loraux 1986: 44–56; Nagy 1999a: 223–224.
34. Gentili 1988: 108.
35. Detienne 1996: 45, cf. 43–52, 154 n. 40. See also, Plut. *Lyc.* 8.3, 25.3; cf. 14.5, 26.6.
36. Plato enumerates the 'subjects that pertain not to law, but praise and blame' as a set of gnomic claims: (5.730c–732e): 'truth is the leader of all good things for gods, and of all things for human beings' (5.730c1–2); 'he who does no injustice is indeed honorable; but he who does not allow unjust men to work their injustice is more than twice as honorable' (5.730d2–4); 'the same praise (ἔπαινον) should be bestowed on moderation (σωφροσύνης) and prudence (φρονήσεως), and any other good possessions which can be given to others as well as possessed by oneself' (5.730e1–3); 'let everyone of us vie for excellence without envy' (5.731a2–3); 'every real man should be of the spirited type (θυμοειδῆ), but also as gentle (πρᾷον) as possible' (5.731b3–4); and 'the greatest of all evils [i.e., excessive self-love: τὴν σφόδρα ἑαυτοῦ φιλίαν] for the mass of human beings is something which grows naturally in the soul, and everyone, by excusing it in himself, fails to devise any way to escape it' (5.731d6–e1, see e4).

37. Similarly at 11.926d the Athenian Stranger calls *psogos* punishment more grievous than any monetary fine.
38. See Smyth 1900: lxxxvi; Bundy 1986: *passim*; Kurke 1991: 19–20, 1993: 140–141.
39. On the relationship between the law code and other forms of discourse in the *Laws*, see Nightingale 1993: 289–294.
40. Halliwell 2002: 108.
41. Garland 1989: 3–8. See also Humphreys 1983: 82–122; Garland 1985: Ch. 3.
42. Alexiou 2002: 14–22. I discuss Plato's efforts to control women's lamenting voices in Chapter 6.
43. Plato's concern with public displays of wealth appears to respond to a fourth-century trend in Athens and throughout the Mediterranean toward increasingly lavish funerals, on which see Morris 1998: 59–86.
44. Smyth 1900: cxxiv–cxxv.
45. Svenbro 1993: 45–46.
46. Day 2000: 49–50, cf. 41–56.
47. Rawls 1971: 3.
48. Reverdin's (1945: 258) reconstruction of the Auditors' tomb is criticized in Baughan 2013: 273. Brisson's (2005: 195) treatment of the funeral of the Auditors remains the most thorough. The funerals of the Auditors closely resemble the reconstruction of ancient burial processions by Smyth (1900: cxx–cxxvii), but the more detailed analysis of burial practice by Alexiou (2002: 4–14) points to numerous departures.
49. Alexiou 2002: 17.
50. Baughan 2013: 21.
51. Baughan 2013: 273.
52. Text and translation in Campbell 1993: 284–285.
53. Burnyeat 1999: 235–36.
54. On which, see Alexiou 2002: 83–85.
55. For discussion of similar legislation in Athens and other *poleis*, see Alexiou 2002: 14–22; Foley 1993: 103–108.
56. Kowalzig 2007: 51, cf. pp. 43–53.
57. Burkert 1985: 335, cf. 332–337.
58. In a similar vein, Nightingale (1993) documents Plato's use of religious symbols to invest the law code with divine authority.
59. Derrida 1980: 63.

CHAPTER 4

1. Popper 1966: 200, whose comments apply to the entirety of the Platonic corpus, not the *Laws* exclusively.
2. On freedom of thought in the *Laws*, see the Introduction. On the training of citizen-soldiers, see 8.828b–835b.

3. See 8.829d–e, 8.850b–d, 10.907d–909d, 11.915b–c, 12.951c–952d.
4. On the claim that Plato banishes almost all mimetic poetry, especially the pleasurable kinds of poetry that expressly reject his ethics, there is virtually universal consensus. See Partee 1970: 215; Annas 1981: 344; Janaway 1995: 130–131; Halliwell 2002: 108; Naddaff 2002: 119–120; Fantuzzi and Hunter 2004: 2–3.
5. See 2.659d–660a, 7.798b–800a, 7.801c–d, 7.802d, 7.816c–d, 7.817c–e, 8.829c–e.
6. Detienne 1986: 96. On choral dance of the law code, see Naddaf 2000: 347–348.
7. The contributions these genres make in the *Laws* has remained largely underappreciated. Thus Brock (1990: 39) characterizes Plato's treatment of comedy as simplistic and 'straightforward.' An exception is Nightingale (1995: 172–192), who acknowledges the *Laws*' complicated stance toward comedy. On Socrates as a comedic and iambic figure, see Worman 2008: 153–212 with bibliography.
8. For a general discussion of degrees of citizenship and servile statuses in ancient Athens, see Finley 1989: chs. 7, 8.
9. See Carone 2002, 2003.
10. See 2.659d–660a, 3.700a–e, 7.798b–d. Cf. Wallach 2001: 364.
11. Sourvinou-Inwood 1990: 300–301.
12. Nagy 1995: 28.
13. For the status and economic contributions of slaves and metics, see 6.777c–e, 8.850a–c, 11.914a–915c. For discussion of Plato's views of slavery, see Vlastos 1941: 147–153; Morrow 1960: 148–152; Stalley 1983: 102, 106–111; Bobonich 2002: 378, 578 n. 109. On metics in the *Laws*, Morrow 1960: 144–148; Stalley 1983: 108.
14. Dover 1978: 51–52.
15. Dover 1978: 52.
16. On acting playwrights and the non-professional status of actors, see Rehm 1992: 26–27, who speculates that the remuneration offered to choruses might serve as a second income. If so, might Plato's insistence that comic performers be hired from abroad not offer an indirect insult to any native Athenian citizen, who might have prided himself on autochthony and for whom a supplementary stipend was an incentive to perform?
17. England (1921, Vol. 1: 306) discusses various interpretations of 'novelty' in this passage; cf. Schöpsdau (2003: 596–597), who differentiates the *Laws*' treatment of comedy and tragedy. There appears to be a distinction between estranging 'novelty' (καινόν) the mentioned here and the artistic 'embellishment' (ποικιλία) at 2.665c.
18. See Burnyeat 1999: 279.
19. For a discussion of viewing alterity in Greek religious practice and philosophy, see Nightingale 2004: 40–52.
20. On the synthesis of religion and politics in the ancient Greek city-state, see Butz (1996: 76–95), who argues on the basis of epigraphic evidence that access to or exclusion from civic cult activities was a function of one's status as citizen or non-citizen. Cole (1995: 295–309) explores the varied and inconsistent criteria by

which to determine which religious activities qualify as civic cult and are thus coextensive with and expressions of political identity. Jameson (1998: 172–187) points out numerous instances in which official state cult remained unaffected by changes in political structure and in which aristocratic priests in Athens in fact benefited from the democracy.

21. While the force of such laws appears to have been felt strongly, they were followed selectively, and more severe punishments were imposed on disenfranchised citizens who participated in the festivals than on aliens; see MacDowell 1989: 72–77.
22. Wilson 2000: 21–22. As MacDowell (1989: 68–69) argues, the 'city chorus' mentioned by the scholiast is that of the City Dionysia at which tragedy and the dithyramb were the preeminent choral genres. MacDowell (1989: 68) further argues that in the Thargelia, in which the choruses where chosen by *phylai*, "the choristers and khoregoi had to be members of those phylai, so that aliens were not eligible."
23. Pickard-Cambridge 1968: 40–41. For discussion of the Lenaia and Dionysia see Pickard-Cambridge 1968: 25–42, 57–101. See also the scholium on Aristophanes' *Wealth* 953: 'it was not permitted that an alien (ξένον) perform in the city chorus (ἐν τῷ ἀστικῷ χορῷ) . . .; but in the Lenaion it was permitted; for [there] metics were also *khoregoi*' (translated in MacDowell 1989: 68–69).
24. Wilson 2000: 27–28, cf. p. 22.
25. Wilson 2000: 26.
26. Briefly discussed in Morrow 1960: 373.
27. On star actors, see Rehm 1992: 28.
28. Liberality and illiberality with respect to musical arts and performance are usefully discussed in Nightingale 1996: 33–56.
29. Cf. Wohl 2004: 342–346. The prevalence of the male body on display in tragedy as well as comedy (on which, see Hawley 1998) suggests that Plato's implicit target embraces both genres.
30. See *Phdr.* 228e3–230d4 with Ferrari 1987:4–9.
31. See Peponi 2013a.
32. Aristotle similarly connects comedy and *iambos* at *Poet.* 1448b23–1449a6, and at *Pol.* 1336b20–22—a passage that responds intricately to the *Laws*' treatment of performance—Aristotle insists that the youth not be spectators of comedy or *iambos* before being old enough to join 'military communal dining halls' (συσσίτια, 1336b10). See Pickard-Cambridge 1962: 89–97, 132–135; Janko 1984: 204–206; Heath 1989: 347–348; Halliwell 1998: 267–270. For discussion of stylistic, formal, and rhetorical features shared by *iambos* and comedy, see R. M. Rosen 1988: 9–35; Henderson 1991b: 17–19. Nagy 1976: 194–195 notes that both comedy and *iambos* are forms of invective associated with the *kômos*; he also posits that the two genres serve comparable social functions as the antitheses of praise-poetry. On ritual origins and social function of *iambos*, see West 1974: 27–37; Carey 1986: 64–66; Nagy 2004: 33–32.
33. Benardete 2000: 327. See 11.935b.

34. For a critical view of this trend, see Csapo 2000: 132–133.
35. Smith 2013: 129.
36. This passage has been at the center of a debate over whether women attended tragedy in Athens; I discuss this debate in some detail in Chapter 6.
37. To these learned women contrast those at 11.935a whose shameful epithets (*aiskhra onomata*) are the prose equivalent of comedy and *iambos*.
38. Nagy (2002: 42 n.18) suggests that 6.764d–e and 8.828b–c refer to a specifically 'Panathenaic context' for reasons that apply equally to 2.658a–d.
39. Nagy 2002: 25.
40. Bakhtin 1981: 5–9, 38–40.
41. Todorov 1990: 15.
42. E.g., Wilson (2000: 63) comments that this passage concerns "the place (or rather absence) of tragedy in the ideal city."
43. Wilson 2000: 63. On the posthumous granting of choruses for Aeschylus's tragedies, see the scholia to Aristophanes' *Frogs* 868 and *Acharnians* 10, where the verb for production is *didaskô*.
44. Wilson 2000: 289. Nagy (1994–95: 18) suggests that "any eventual diminution in [the] authority [of the word mimesis] may be simply a symptom of an eventual diminution in the authority of Athenian State Theater itself," but the *Laws*' appropriation of tragedy as an institution and its treatment of the lawmaker's genre as μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου appear to be indicative of the sustained authority of Athenian state theater.
45. As Else (1986: 61) notes.
46. Wilson (2000: 289) suggests that in 7.817a–e "[e]mphasis is lain on the fact that these dramatic poets and actors are visitors, wandering foreigners . . . moving from place to place with their dramas."
47. Vidal-Naquet 1997: 119.
48. At 12.950d the Athenian Stranger insists that only select elders will be permitted to visit other cities and, conversely, that guests from foreign cities will come into contact only with citizens who have been chosen as official representatives of Magnesia; thus the majority of the citizen population is shielded from exposure to foreign cultures, ideas, and peoples; on which, see Nightingale 2004: 48.
49. England (1921, Vol. 2: 348), who takes γελοίοις to mean comedy.
50. For discussion of homoerotic practices associated with performative contexts (e.g., festivals and the symposium) and various legal attempts to regulate it, see Dover (1978: 19–34, 153–168, 185–196), who questions the claim that homosexuality originated in the Dorian regions of Greece and subsequently spread elsewhere—an assumption based in large part on *Laws* 1.636a–b and 8.836b. See also Bremmer 1990: 135–148; Halperin 1990: 113–152; Cohen 1991: 171–202; Stehle 1997: chs. 1, 2.
51. See Detienne 1986: 94. Plato does not (*pace* Wilson 2000: 55–57) imply that extramarital relationships might develop between students and teachers. Though

Plato insists at 6.764e–765a that organizers of festival performances be over the age of thirty or forty, there is no suggestion that the rationale for doing so is the same as that of an analogous Athenian law, namely, "a fear for the sexual integrity of the precious future citizens of the *polis*" (Wilson 2000: 55). However, such appears to have been a concern among Plato's contemporaries who, according to Aeschines (*Against Timarchus* 9–11), regulated school hours to prevent pederasty and insisted that *khoregoi* be over forty, apparently the appropriate age for sexual abstinence.

52. See Stallbaum 1859–1860: *ad loc*.; England 1921, Vol. 2: 240–241; Linforth 1946: 129–134; Amar 1971: 263–286; Saunders 1972: 50–52; Schöpsdau 2003: *ad loc*. Though Linforth (1946a: 159–160) rightly suggests that Corybantic rites gained in popularity due largely to the pleasure afforded by dance, his account is vitiated by an insufficiently critical analysis of the philosophical theory and moral psychology that underpin Plato's claim that Corybantic rites were used to counter anxiety disorders. Just as unsatisfying is Linforth's (1946a: 159–160) equal parts Orientalist and bigoted analytical framework: "An analogy which is not altogether fanciful may be suggested between Corybantic dance which was imported from Phrygia and the dances which have been brought into Europe and America from South America and the syncopated rhythms which have been learned from Negroes. The din of a certain kind of modern dance orchestra, with its throbbing drums and wailing saxophones, cannot be very different in effect from the din produced by similar instruments in the Corybantic dance. It is as irresistible to the devotees as the Corybantic music which revealed those who were in need of gods and rites, and anyone who has heard a young person in the street break forth unexpectedly with a scrap of a tune in a barbaric rhythm and intonation can readily believe that the devotees of the Corybantic rites heard the sound of the pipes ringing in their ears even when they were not engaged in the dance."
53. Amar 1971: 263–286.
54. See Amar 1971: 285.
55. Linforth 1946a: 161–162.
56. Plato bans drinking that is neither conducted "lawfully and in an orderly manner" (μετὰ νόμων καὶ τάξεως) nor directed toward the production of 'temperance' (σωφρονεῖν, 2.673e4–5).
57. Pickard-Cambridge 1962: 62–63.
58. Halliwell 2002: 69.
59. Pickard-Cambridge 1962: 62.
60. See 1.633d–e where pleasures and desires melt the *thumos* like wax and at 2.666b7–8 where those over forty join the *sussitia*, invoke Dionysos, and so are made 'more malleable' (μαλακώτερα ἐκ σκληροτέρου). At 7.789e1 the prenatal gymnastics melts and 'molds' (πλάττειν) the cereous souls of infants.
61. Cf. Ford 2004: 327–336.

CHAPTER 5

1. The proliferation of women's education continued and strengthened in the Hellenistic period, on which see Pomeroy 1977: 51–62 and the more cautious remarks of Cole (1981: 221–238).
2. Diogenes Laertius 3.46, 4.2; Themistius *Or*. 22, 295c.
3. On the female voice in Platonic philosophy, see Halperin 1990: 113–151.
4. The following is designed only as a survey of the vast bibliography on women in Plato, with particular emphasis on the *Republic* and *Laws*: Wender 1973: 75–89; Strauss 1975: Ch. 7, esp. 105, 114–115; Pomeroy 1974: 33–35; 1978: 496–500; Annas 1976: 308–340; 1981: 181–185; Okin 1979: 28–72; Smith 1980: 6–11; 1983: 467–474; Stalley 1983: 104–106; Saxonhouse 1985: 37–62; 1997: 96–111; Cohen 1987: 30–40; Papademetriou 1989–1990: 262–268; Halliwell 1993; Saunders 1995: 592–604; Levin 1996: 21–30; 2000: 82–96; Vlastos 1995: 131–143; Robinson 1998: 148–153; Bobonich 2002: 385–389; Moore 2005: esp. Chs. 1, 4. Also see the useful compilations by Clark and Lange 1979; Peradotto and Sullivan 1984; Bar On 1994; Tuana 1994; Hawley and Levick 1995; Ward 1996. For a Foucauldian reading of the female voice in the *Symposium*, see Halperin 1990: 144–146.
5. Vlastos 1995: 133.
6. Vlastos 1995: 134–135. Annas (1976: 313), by contrast, argues that the position of women in the *Republic* is based not on rights but on utilitarianism.
7. Vlastos 1995: 133.
8. Annas 1976: 317. For similar statements, see Pomeroy 1975: 118–119.
9. Moore 2005: 155–160.
10. Levin 2000: 84.
11. 'Paranatural' is Hubbard's (2009a: 250). As Hubbard (2009a: 251–255) observes, Plato's rhetoric of natural heterosexuality is familiar in democratic civic contexts, wherein speakers portrayed pederasty as a sexual perversion peculiar to the aristocracy. See also Hubbard 1998: 49–70; Skinner 2005: 63–64. Cf. Aristophanes *Nub*. 962–983, 1066–1082.
12. The recent controversy arose from testimony given by John Finnis, Martha Nussbaum, and Robert George in *Evans v. Romer*, discussed in Mendelsohn 1996. Clark (2000: 1–14) provides a helpful survey of the scholarly debate that followed the trial, as well as the range of possible interpretations of the passages (1.636b–c, 8.836c, 8.838e) upon which it centered.
13. Plutarch (*Lyc*. 18.4) also asserts that pederasty was so admired in Sparta that its female citizens underwent a parallel form of initiatory female eroticism; for discussion of which, see Skinner 2005: 71–78.
14. Wender's (1973: 87–89) (not always pellucid) argument is that Plato's feminism is at least in part motivated by his antipathy toward heterosexual coupling and a preference for male homoerotic (or homosocial) relationships.

15. Moore 2005: 155–160. Moore argues that the political status of women in Magnesia is slightly inferior to that of men; citizen women, he claims, would have equal legal standing with citizen men, full voting rights, and access to political offices, though fewer women would occupy the highest political offices. Moore's interpretation of the political status of women is thus more optimistic than the position argued in this and the next sections.
16. Moore 2005: 9.
17. Moore 2005: 12. The passage cited here refers to social control of sex and reproduction, but it is clear that Moore believes that Plato redeploys the same strategies in Magnesia.
18. England 1921, Vol. 1: 232.
19. Dover 1978: 162, cf. 170.
20. See Dover 1964: 40–41.
21. Cf. Larivée 2003. On the relationship between Plato's *syssitia* and Spartan practice, see David 1978.
22. Nussbaum 1994: 1576; cf. 1575–1578. For denigration of heterosexual intercourse, see *Phdr*. 251a. See also Vlastos 1981: 25–27; Dover 1978: 163 n. 15; Nussbaum 2002: 70–71. Cf. Plut. *Amat*. 751d–e.
23. Plato's stress in the *Timaeus* that desire (*epithumia*) is naturally and teleologically directed toward heterosexual procreation should temper Dover's (2002: 226–227) suggestion that "Plato certainly did not regard the *desire* for homosexual friction as 'unnatural.'" My reading of *Tm*. 91 suggests that any desire for 'friction' that is not conjoined to procreation is *para phusin*, which may in this context designate not 'against' but 'over,' 'beyond,' or 'in excess of' that for which pleasure naturally aims.
24. Halperin 1990: 140–143.
25. Halperin 1990: 142.
26. Halperin 1990: 143.
27. Halperin's reading of the ideology of pederasty as a relationship of power and domination between sexual winner and loser, penetrator and penetrant, leans on Foucault's (1985) and Dover's (1978) model of ancient sex and sexual morality, which has been challenged by Hubbard 1998; 2000; 2009b; Davidson 2001. See Halperin 2002 for a rearticulating and nuancing of Foucault's model. Carnes (1998: 109–118) suggests that Aristophanes' speech in the *Symposium* consistently subverts the power dynamics of ancient pederasty. For a survey of approaches to ancient Greek sexuality, with particular emphasis on the Dover/Foucault model and classical Athenian practice, see Larmour et al. 1998: 22–29; Skinner 2005: 6–16, 112–147. A similar historical survey, emphasizing the need to ground interpretations of ancient philosophy in its historical contexts, appears in Nussbaum and Sihvola 2002: 2–11.
28. From the *Doctrine and Discipline of Divorce*, chapter VI, printed in Hughes 1957: 712.

29. England (1921. Vol. 2: 349) captures the essence of Plato's claim: "[t]he right sentiment in this matter enjoins not only absolute abstention on the one hand from unnatural indulgence but also on the other the strict confinement of the natural indulgence to its natural purpose."
30. The fostering of friendship between husbands and wives is an especially prominent theme in the *Laws*, despite Plato's erstwhile rejection of the private family as a foundational civic institution. Cf. 8.840d–e.
31. Dover (1978: 159) also cites *Resp*. 3.403b but does not connect the claims in the *Republic* to the legislation in the *Laws*.
32. See Redfield 1978: 157–158.
33. I follow Pangle's translation with modifications. Pangle overemphasizes the force of *anêr* in 6.770d1; see his n. 3 on p. 512 and n. 18 on p. 528. The modifications I have made restore the order and emphasis of the original. For discussion of the text of this difficult passage, see England 1921, Vol. 1: 600–602, whose emendations I largely reject in favor of Burnet's edition.
34. Bobonich 2001: 95.
35. See Bobonich 2002: 385.
36. E.g., laws requiring that pregnant women, new mothers, and newborn infants must be kept in constant motion (7.789d–790c).
37. Cf. Wender 1973: 78–87, Okin 1979: 48ff.; Saxonhouse 1985: 37–62. For an alternative reading, see Levin 1996: 27.
38. Bobonich 2002: 387–389.
39. Levin 1996: 27; *contra* Saxonhouse 1997: 98–100. On female reincarnation, see Robinson 1998: 151–152.
40. I wish to thank Yujhan Claros for bringing this passage to my attention.
41. See 4.719e–720e, 4.722d–723d, 9.857c–d with Bobonich 2002: 105–106, 348–350.
42. E.g., Okin 1979: 44.
43. E.g., Schöpsdau (2003: 522), who argues that Plato envisions a limited (military) education for women and that only for defensive purposes. England (1921, Vol. 1: 250) suggests that the point of the qualification is to allow, even to encourage, but not to compel women to train in arms. I expand upon England's position below.
44. I follow Pangle's translation with modifications, but the exact rendering of this passage is disputed. The apparent sense is that women must be prepared to take up the defense of children and the city should the main, presumably male, military force be fighting abroad, but the masculine τοὺς φυλάξοντας (a4) and ἱκανοὺς (a4) appear to refer to the feminine γυναῖκας (e8) and ἡμμένας (a1). For discussion of emendations, see England 1921, Vol. 2: 298.
45. Okin 1979: 48.
46. Okin 1979: 48–49.
47. See Bobonich 2002: 387–389 on 6.781a–b.
48. This claim must be qualified in two ways: (i) the citizen must have participated in the military to be eligible to vote or hold office (though whether offensively

or defensively is not stated). This is designed to set a minimum age for political participation, not to discount women whose military service is perhaps exclusively defensive. See 6.785b; Morrow 1960: 112–113; Bobonich 2002: 378. (ii) Plato's ideal city provides numerous avenues by which citizens may distinguish themselves from other citizens, including athletic competition and war.

49. Saxonhouse (1985: 58–59), for example, offers an interesting reading that may be presented schematically as follows: By arguing that (i) all persons must be ambidextrous, Plato is arguing by analogy and surreptitiously that (ii) boys and girls must be trained equally. However, since (i) is genetically impossible (i.e., since right- or left-handedness is determined by biological inheritance), (ii) must also be impossible (i.e., it must be impossible to educate boys and girls equally). Since, according to Saxonhouse, Plato knew (i) to be impossible, he must have thought (ii) to be impossible; therefore Plato's argument (ii) is in bad faith. Saxonhouse's reasons for ascribing such duplicity to Plato's intentions remain unclear. Of course, Plato was unaware of genetics. Strauss (1975: 102) indulges in similar interpretive license.
50. Moore 2005: 148–152.
51. Reading ὡς καὶ νῦν with the clause that begins μέχριπερ.
52. Bobonich 2002: 377.
53. The rigidity of the binary has come under interrogation, on which see the useful survey by Skinner 2005: 97–101.
54. See Moore 2005: 148.
55. Bobonich 2002: 386.
56. This points to a surprising feature of the penal code: women become subject to corporeal punishment when they are ten years older than men; otherwise, the same penalties apply to both. See Saunders 1995: 601–602.
57. Connelly 2007: 213–218.
58. Moore 2005: 147.
59. Moore 2005: 160.
60. See England 1921, Vol. 2: 593; Morrow 1960: 500–505, 515–518; Brisson 2001:165–170.
61. Annas 1976: 315.
62. Cohen 1987: 28–40. For a similar view, see Papademetriou 1989–1990: 261–268.
63. Cohen 1987: 38.
64. Cohen 1987: 39.
65. Ibid.
66. Cohen 1987: 39–40.
67. Levin 2000: 87–93.
68. Okin 1979: 51–72.
69. For criticism of the Athenian household, see 5.739b–e.
70. Moore 2005: 147.
71. Frank 1947: 287.
72. Frank 1947: 307.

73. Skinner 2005: 76; cf. Greene 2002: 83.
74. Saunders 1995: 592–610; cf. Bobonich 2002: 385–389.
75. Saunders 1995: 604.
76. Saunders 1995: 603.
77. Grote 1875: 378–379.

CHAPTER 6

1. Annas 1976: 317.
2. Vlastos 1995: 133.
3. See, e.g., Calame 1997: 222; Lonsdale 1993: 21–43.
4. E.g., Aeschylus's Clytemnestra and Euripides' Medea; see Knox 1979: 296–298.
5. Opposing interpretations are represented by Goldhill 1994: 347–369; *contra* Podlecki 1990: 26–42; and Henderson 1991a: 138–147; O'Higgins 2003: 135–138. Pickard-Cambridge 1968: 263–265 concludes that the evidence fails to support definitive interpretation.
6. Henderson 1991a: 136.
7. Ibid.
8. Ibid.
9. Henderson 1991a: 147.
10. Goldhill 1994: 351.
11. Goldhill 1994: 353.
12. Goldhill 1994: 354–367.
13. Goldhill 1994: 367.
14. Zeitlin 1990: 68.
15. Ibid.
16. Translation my own.
17. The term πανδημία is itself rare in the *Laws*, appearing only once in cognate form (πανδημεί, 7.814a2) also in discussion of male and female citizens armed and training in defense of the city.
18. Translation my own.
19. See Connelly 2007: 205–206.
20. See Foucault 2001: 12–13, 18, 29.
21. Henderson 1991a: 136.
22. This, although the justification given for coercing women into public meals and *paideia* is utilitarian, and although the Athenian Stranger portrays the women he knows as an embarrassment to their cities and the human race; less courageous, he calls them, than mother birds willing sacrifice themselves to protect their nestlings (7.814b)—a curious allusion to *Il.* 323–327.
23. See 6.770c–e; cf. Bobonich 2001: 95.
24. The exceptions are marriage and *syssitia*, the other principal institutions through which women of Magnesia cultivate virtue in themselves and others.

25. On Plato's treatment of Corybantic dances, see Linforth 1946: 129–134; Amar 1971: 263–286; and Schöpsdau 2003: ad loc.
26. The particular complication with respect to education in *mousikê*—the subject of Book II—is evident in the differences between the two representations of civic performance discussed in the previous section: even once Plato has argued for the inclusion of women in the *syssitia*, it remains unclear whether women will also be educated and participate in precisely the same forms of *mousikê* discussed in Book II. The text of 7.804d–806c implies as much, but if so, this would mean that women would sing and dance, perform paians, and participate in a philosophical symposium as members of the Choruses of the Muses, Apollo, and Dionysos. That the latter are markedly masculine performance scenarios and that Plato offers no detailed plan for the inclusion of women in the three Choruses caution against retroactively reading women into the institutions of *mousikê* exactly as they are envisaged in Book II. What can be ascertained is that there is no ambiguity in the argument for women's isonomic gymnastic education, and that from Book VI on, every discussion of poetry, music, song, and dance—whether flagged as *mousikê* or *gymnastikê*—includes men and women in nearly every role associated with performance. We discuss the exceptions at the end of this section.
27. Cf. Strauss 1975: 100–112.
28. On marriage ages, see 6.785b. See England 1921, Vol. 1: 604.
29. My translation follows England's (1921, Vol. 1: 604–605) commentary on this problematic passage.
30. Girls between six and thirteen compete in races unclad; from thirteen until marriage they are to wear modest clothing (8.833c–d). A similar age and modesty scheme ought to be supplied for marital choral performances as well.
31. Ceccarelli 2004: 115–116.
32. Ceccarelli 2004: 92.
33. Bobonich 2002: 474.
34. For the influence of democracy on the selection of priests and priestesses, see Aleshire 1994: 326–334. On "cultic citizenship," see Parker 1996: 80; cf. Foley 2001: 7. Detienne (1989: 129–147) argues that ritual life in Athens was homologous with political life, to the effect that women were excluded from the participating in politics and sacrifice, but Osborne (1993b: 405) shows that sacrifice should not be thought of as merely obeying principles of political and legal convention; "[s]acrifice," Osborne concludes, "reached parts of society which politics did not, and in doing so it reached some parts that were the exclusive domain of women."
35. On Plato's indebtedness to the Brauron, see Perlman 1983: 117, 121–130. For women's cult as inversion of social and civic norms, see Zeitlin 1982: 138–139.
36. Henderson 1991a: 138.
37. Goldhill 1994: 350. It is also notable that each passage refers to temporary competitions: a hasty intergeneric festival, comedic performances imported from abroad,

and tragedies displayed in theaters with makeshift seating, an impermanent stage in the agora, and non-native actors.

38. Whether this should be taken as a sign that women attended tragic performances in the Theater of Dionysos is another matter altogether; Plato's vision of musical education and choral dance for women ought not to be elided as an unmediated reflection of ancient practice. It is explicitly offered as a corrective to the Thracian custom of treating women little better than slaves, the Athenian tradition of assigning women household responsibilities, and Laconic conventions that afford women gymnastic and choral training but leave them unprepared for war (7.805d–806c). In the same passage, Plato claims that Magnesia's program of choral and gymnastic education will enable women to transcend their historical circumstances and attain the quasi-mythological status of Amazons and Sauromatians.
39. That Plato derides Athenian drama on account of its appeal to women is obviously not an argument *against* women's presence in the theater; indeed, the force of derision would be more acutely felt if women were to be in the audience.
40. See Bobonich 2002: 339–440.
41. On the process of electing priests and priestesses, see 6.759c, 8.828a–d.
42. Treated together because the Director of Education is chosen from among the Law Wardens.
43. See 7.801c–d, where they are called 'judges' or 'critics' (κριταῖς, 7.801d3) and 'legislators of music' (νομοθέτας περὶ τὰ μουσικά, 7.801d5).
44. For the gender of the Law Wardens, see 6.754c6, 755b5. On the elections, see 6.752d–753a, 754a–755b.
45. Cohen 1987: 32–40.
46. See esp. 7.804d–806c.
47. See *Resp*. 5.451c–457e.
48. Saunders 1995: 597.
49. It is unclear whether the Chorus of Dionysos, the Auditors, and the officials who supervise choral competition form a single group.
50. Most commentators agree that law's aim was to suppress potentially divisive forms of aristocratic ostentation; on which, see Alexiou 2002: 14–19.
51. Plato calls attention to dress precisely to ensure its extravagance—Magnesia's funerary style is otherwise modest.
52. Discussed in Chapter 4. See Burkert 1985: 334–335.
53. Cf. 2.669c3–5 with England 1921, Vol. 2: 268–269; Saunders 1972: *ad loc*. See also *Resp*. 3.395d–e, in which Socrates is especially uncomfortable with the possibility that men might portray, *inter alia*, contentious wives and women in labor.
54. Nehamas 1999b: 285.
55. Saunders (1972: 56) suggests translating ἔν τε νόμῳ καὶ λόγῳ as 'in melody and word [of the song],' which would limit the scope of claim—i.e., one would instead consider restrained and modest musical tunes and lyrics, rather than all law and language, feminine. Saunders (1995: 593) and Bobonich (2002: 387) take

7.802d–e as indicative of Plato's essentialist view of gender, not of a gendered view of virtue.

56. Wender (1973: 82) thinks this a positive blending of feminine and masculine virtues.
57. For statesmanship as royal music: ἡ τῆς βασιλικῆς μούσῃ, see *Plt*. 311b7–c6; cf. 309d2–3, 310e7–311a2. I am indebted to Andrea Nightingale for this observation.
58. For antiphonal structures and antithetical thought in ritual lament, see Alexiou 2002: 131–160. For the valence of *patrion melos*, see Chapter 3.
59. That the context is funerary explains the exclusion of women of reproductive age.
60. Wilson 2000: 41.
61. Foley 2001: 7.
62. Goldhill 1994: 365, cf. 364–365.
63. Calame 1997: 231.
64. Calame 1997: 225–238, 256–257. Of significance is the capaciousness of the chorus' identity—often instantiated in the choral "I"—a figurative persona expressive of both choral collectivity and the chorus-leader's marked status.
65. Wilson 2000: 40.
66. Goldhill 1994: 363–364.
67. O'Higgins 2003: 172–173.
68. Wilson 2000: 41–42.
69. Zeitlin 1982: 138–139.
70. Wilson 2000: 41; cf. Clinton 1996: 112–120.
71. Wilson 2000: 40–41. The situation appears to have been different in Sparta, for which see Stehle 1997: 71–118; Pomeroy 2002: 105–130.

EPILOGUE

1. On approaches to Telemachus's judgment, see Ford 2002: 6–8.
2. Ford 2002: 6.
3. On *mythos* in Homer, see Martin 1989: 21. On the semantic range of *mythos* in the *Odyssey*, see M. Clark 2001: 339–353. For comparable performances of judgment, see *Il*. 18.497–508, with Gagarin 1986: 26–33, 42–44, 107. I owe the latter cross-reference to J. Zetzel.
4. M. Clark 2001: 353.
5. de Jong 2001: 38.
6. Nightingale 1995: 7.
7. Bobonich 1996: 205.
8. For the limitations of legislation, see 9.874e–875c.
9. Most notably in the design of preludes (*prooimia*) to the laws: 4.722d–724b.
10. Cf. 9.874e–875c, 10.889c–d, 10.896e–898b, 12.957c, with Bobonich 2002: 93–97.
11. See *Suda*, s.v. νόμος.

12. Smyth 1900: lix, cf. lviii–lxviii. See also West 1992: 215–217.
13. Barker 1984: 249–254.
14. See also 7.799e–800a.
15. See Nightingale's (1999a) study of Plato's (subversive) appropriation of the Athenian practice of written law.
16. On paradigmatism in the *Laws*, see the Introduction.
17. Naddaf 2000: 347–348.
18. Herington 1985: 48.
19. On rhapsodic interpretation of poetry, see Nagy 2002: 24–29.
20. Cf. Pl. *Ion* 530b–531d.
21. Nagy 2002: 27. Compare Pl. *Ion* 536d–541e, 542b; *Prot*. 309a–b; Lycurg. *Leoc*. 100, 102. For discussion of the politics of poetic quotation in the Athenian courtroom, see Ford 1999: 233–252.
22. See the useful discussion of the poetic *rhêmata* at 4.706c–707a in England 1921, Vol. 1: 420–421.

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